Commission on Peace Officer Standards and Training
860 Stillwater Road
West Sacramento, CA 95605-1603
www.post.ca.gov

Following is the record of an Administrative Interview conducted by Professional Conduct Central Bureau Law Enforcement Consultant Kevin Sherburne on June 25, 2025, with Michael Kim, who is the subject of this investigation. The interview was recorded and is being maintained by the Professional Conduct Central Bureau. The recording will serve as the true and accurate record of the statements made by Michael Kim. This transcript was AI generated by Axon software and reviewed by accuracy by Division Staff Services Analyst Jessica Seno.

[00:01]

Kevin Sherburne: And we're, we are recording. Um, good morning. My name is Kevin Sherburne. I'm a law enforcement consultant with the California Commission on POST. Today is June 25th and it's 10:32 in the morning. We are recording this interview, and I noticed that, uh, you also have, um, your interview for purposes of the recording and voice recognition. Um, I, I'd like to have everybody in the room state their name and their position. Um, I'm, I'm here with, uh, representative from POST also, and that is Carrie Woolley. Uh, Carrie, could you introduce yourself?

[00:33]

Carrie Woolley: Carrie Woolley, attorney for with Commission on Peace Officer Standards and Training.

[00:37]

Michael Kim: Michael Kim.

[00:39]

Kevin Sherburne: Okay. And?

[00:40]

Marie Masters: Marie Masters with Rains Lucia Stern.

[00:42]

Kevin Sherburne: Okay. Uh, but before we turned on the recording, I briefly described the process, and I'll repeat that process for the purposes of the recording. So I have some introductions, some admonitions to provide to you. I noticed that you're represented by counsel at the end of the admonitions. I'll ask if you have any questions about the process and, and we can answer those questions as – as to the best of our ability. Either you or your

counsel can ask those questions. And then I have questions for you because this is after all an interview. Um, and we're here today to talk about the, uh, investigation of serious misconduct that is being conducted by POST in, in, in me, on, on behalf of POST at the end of the interview process. If you have a, uh, um, statement that you would like to make that would help inform us on the decision that we, uh, may make in terms of, um, your peace officer certificates. It's a hundred percent voluntary on your part. Um, if you want, you can make that statement or if, if, uh, you so choose, your counsel can make that statement a very brief, um, sort of summary of, of your position. Um, so with that, um, I'm gonna give you some admonitions and then we'll start with the, uh, interview.

[01:46]

Kevin Sherburne: Um, so again, my name is Kevin Sherburne. I'm a law enforcement consultant with the Commission on Peace Officer Standards and Training. We refer to that as POST with me today is Carrie Woolley, who introduced herself earlier. The purpose of our meeting today is to interview you about the facts and circumstances involving an allegation or allegations into alleged serious misconduct that may potentially violate California Penal Code section 13510.8. Um, you, uh, you were given notice of this interview and we coordinated that through, um, your counsel, Ms. Masters. We are recording the interview. Any statements you make here will be used by POST in connection with its duties. The recording helps us to ensure that all of your statements are completely and accurately transcribed and is authorized by Commission, uh, Regulation 1206. If you want, um, if, if you're recording, I notice you're recording. Marie. If, if -

[02:34]

Marie Masters: Yes.

[02:34]

Kevin Sherburne: Your recording doesn't work, will you give you a copy of ours and I would ask the return favor if, if you will.

[02:39]

Marie Masters: Yes, of course.

[02:40]

Kevin Sherburne: Thank you. Um, uh, we do notice that you have a representative, Mr. Kim, um, who is here today. Uh, the representative, your legal counsel, is allowed to observe the proceedings is not allowed to ask questions, make comments, or interfere with the conduct of the interview. And we've, we've worked with Ms. Masters before, Ms. Masters do you agree to these terms? And -

[02:59]

Marie Masters: Yes. I mean, I, I understand I'll be able to ask like, follow up questions, but I'm not the one leading the interview.

[03:05]

Kevin Sherburne: Yeah. Yeah.

[03:06]

Marie Masters: Okay.

[03:06]

Kevin Sherburne: Thank you. If you need to take a, a break to use the restroom or attend a personal needs, you know, we, we, um, will allow you to do that. Please ask first and before we allow the break, we would just ask that you answer any pending questions before we take that break. Um, because POST is not your employee agency, the, uh, California Government Code sections, uh, 3303 and forward, also known as POBAR, um, does not apply. Your agency may or may not have policies that mandate your cooperation in the investigation. We at POST act independently from your agency, and we represent the, um, people of the State of California. Um, so any refusal to cooperate with the investigation, including but not limited to the refusal to answer questions, may result in a finding that you engaged in serious misconduct. Um, that is to say a failure to cooperate. That is to say, with the exception of the lawful exercise of rights granted under the U.S. Constitution or California Constitution or any other law is not gonna be considered a, a failure to cooperate. Um, are you prepared to answer questions today, Mr. Kim?

[04:10]

Michael Kim: Yes.

[04:10]

Kevin Sherburne: Is there any reason why you wouldn't be able to give accurate and truthful information to the questions that we ask of you?

[04:16]

Michael Kim: No.

[04:16]

Kevin Sherburne: Okay. Um, um, keep in mind, I'm sorry, go ahead.

[04:19]

Marie Masters: Just before we, um, kind of go a little further.

[04:21]

Kevin Sherburne: Yeah.

[04:21]

Marie Masters: I just wanted to add for the record that we're, um, where you're for what, I guess is effectively a, a compelled interview. And I understand, um, you know, you addressed that in your admonition. Um, but we are here for a compelled interview, essentially under threat of decertification pursuant to the failure, a potential failure to cooperate, uh, charge. So I just wanna make that clear for the record.

[04:44]

Kevin Sherburne: Thank you. Um, please keep in mind that dishonesty in connection with an investigation of police misconduct, including serious misconduct investigations, is itself a violation of Penal Code section 13510.8(b)(1). Um, with that in mind, do you answer or do you agree to answer our questions truthfully today?

[05:04]

Michael Kim: Yes.

[05:04]

Kevin Sherburne: Um, to maintain the integrity of the investigation, we ask that you and your counsel not discuss the, um, questions asked, the facts discussed in the interview with anybody other than your

legal counsel or is, is otherwise required or authorized by law. Do you agree to comply with that?

[05:19]

Michael Kim: Yes.

[05:19]

Kevin Sherburne: Thank you. Do you have any questions about today's process?

[05:22]

Michael Kim: No.

[05:23]

Kevin Sherburne: Okay. So with that, um, if you could briefly tell me just to set the stage, your professional background, the kind of broad strokes, where are you currently assigned?

[05:39]

Michael Kim: Uh, so, uh, currently right now?

[05:41]

Kevin Sherburne: Yeah.

[05:41]

Michael Kim: I'm working for the [inaudible] Sheriff's Department. Uh, uh, I'm, uh, newly hired deputy sheriff on probation, and I'm, uh, assigned to look the, uh, San Francisco Sheriff's Department patrol unit at Laguna Honda Hospital on day shift.

[05:59]

Kevin Sherburne: Okay. And when did you start with the Sheriff's Office?

[06:04]

Michael Kim: Uh, you mean previously or?

[06:07]

Kevin Sherburne: Uh, the current iteration?

[06:09]

Michael Kim: Uh, December 21st with, uh, ‘24 was my hire date.

[06:14]

Kevin Sherburne: Okay. And did you have a break in service before that?

[06:17]

Michael Kim: Yes, I did.

[06:17]

Kevin Sherburne: Okay. What was that? Uh, when, when, what was the reason for that break?

[06:22]

Michael Kim: Uh, I resigned from the Sheriff's Department in 2000 and, uh, ‘16.

[06:28]

Kevin Sherburne: Okay.

[06:28]

Michael Kim: I think it was, I think like, I think Fe - February or something. February 2016.

[06:37]

Kevin Sherburne: Okay. Was there then a, a pending internal affairs investigation against you at that time?

[06:44]

Michael Kim: I do not know what I, I was going through, uh, a federal, uh, case at that time.

[06:50]

Kevin Sherburne: Okay. When you say a federal case, what do you mean?

[06:53]

Michael Kim: It was, I was charged with, uh, uh, actually they didn't charge me yet, but I was interviewed by the, uh, the federal government, uh, the FBI.

[07:02]

Kevin Sherburne: Okay.

[07:03]

Michael Kim: On maybe it was like 2014 or so. And, uh, it was for, uh, my, uh, falsification of declaration that I wrote.

[07:16]

Kevin Sherburne: Okay.

[07:16]

Michael Kim: For it was, uh, for Andy Li.

[07:19]

Kevin Sherburne: Okay.

[07:19]

Michael Kim: And so the, the federal government came, the FBI came to my workplace when I was working for the, the chief, uh, chief, uh, the custody division.

[07:28]

Kevin Sherburne: Okay.

[07:29]

Michael Kim: So I, they did an interview and, uh, after the interview, uh, I talked to, I actually, I attended an attorney through my union representation.

[07:41]

Kevin Sherburne: Okay.

[07:42]

Michael Kim: And talked to my attorney. And one, after that, we called the FBI or the, uh, AUSA.

[07:48]

Kevin Sherburne: Okay.

[07:48]

Michael Kim: To talk to them about, uh, about what I said.

[07:52]

Kevin Sherburne: Okay.

[07:52]

Michael Kim: And so we had, uh, we set an appointment and I think it was a couple of months after that we did talk to them. And I went in with my attorney and we had a sit down and then, and had an interview.

[08:04]

Kevin Sherburne: Okay. So earlier you used the word federal case. Was that civil or criminal?

[08:09]

Michael Kim: It was a criminal case.

[08:10]

Kevin Sherburne: Okay. Were you ultimately charged?

[08:12]

Michael Kim: Yes, I was charged.

[08:13]

Kevin Sherburne: Okay. What was the resolution of that case?

[08:15]

Michael Kim: It was, I was charged with a one count of contempt of court.

[08:19]

Kevin Sherburne: Okay.

[08:19]

Michael Kim: And, uh, I was placed on, uh, probation, uh, uh, had to pay a $30,000 fine and 300 hours of community service.

[08:29]

Kevin Sherburne: Okay. Was that based on a finding by a jury or a guilty plea?

[08:35]

Michael Kim: It was a guilty plea.

[08:36]

Kevin Sherburne: Okay. And what was the dates of your service with the Sheriff's Office, uh, prior to your 2016 re - resignation?

[08:46]

Michael Kim: It was, uh, 1999 till 2000 and ‘16.

[08:51]

Kevin Sherburne: ‘16. Okay. What was your, what were your duties in assigned duties? Kind of like, I spent two years doing this, four years doing that, one year doing this. Can you generally ballpark toward the end of your career what you were doing?

[09:03]

Michael Kim: Well, at the end of my career, I was, uh, let's see. I was the uh, Emergency Service Unit coordinator for the Sheriff's Department. And I basically dealt with mutual aid and pretty much anything that came up within the city and county of San Francisco that the Sheriff deemed that we need to participate.

[09:23]

Kevin Sherburne: Okay.

[09:23]

Michael Kim: So, I was in charge of about 120, uh, deputy sheriffs. And there, it's a collateral duty.

[09:29]

Kevin Sherburne: Okay.

[09:30]

Michael Kim: And so if there's an, any event that comes up, let's say like the occupy -

[09:34]

Kevin Sherburne: Okay.

[09:35]

Michael Kim: Like all the Oakland Mehserle, all those were the ones when they would, uh, other agencies would ask for assistance.

[09:42]

Kevin Sherburne: Sure.

[09:43]

Michael Kim: I would write the operation order, and I would hire all the staff. My partner and I would hire all the staff, and we would, uh, deploy the, the deputies out there.

[09:52]

Kevin Sherburne: What was your rank at that time?

[09:54]

Michael Kim: I was a sergeant at the time.

[09:55]

Kevin Sherburne: Okay. And did you have a direct report to the Chief Deputy or to the Sheriff?

[10:01]

Michael Kim: Ye – Yeah. Some, like, I had a, I had a Captain and then I had a Chief. They were all in the same office, and so anything arises, the Chief would call me, or the Captain would call me, or the Sheriff would call me and tell me whatever, uh, if they wanted answers directly instead of waiting for the chain.

[10:17]

Kevin Sherburne: Okay.

[10:18]

Michael Kim: So, yes. And some, some days I did have access to the Sheriff and they would call me.

[10:22]

Kevin Sherburne: Okay.

[10:22]

Michael Kim: When -

[10:23]

Kevin Sherburne: Who was the sheriff at that time?

[10:31]

Michael Kim: Let's see. It could, it could, let's see, I went to Sheriff Hennessy, Sheriff Mirkarimi, Sheriff Vicki Hennessy. Yeah, those were the three.

[10:41]

Kevin Sherburne: Okay.

[10:41]

Michael Kim: At the time. So I, uh, that was not in the issue. And then the last two years of, I think 2012 to four, maybe ‘13 or ‘14, I was working as the executive assistant to the Chief of Custody, which is, uh, Matthew Freeman and that, and there, uh, there I pretty, I did pretty much anything, everything for the Custody Division.

[11:06]

Kevin Sherburne: Okay.

[11:06]

Michael Kim: So, if anything, with the jail operations, jail staffing, uh, uh, overtime, anything that has to do with the jail division was, I was working under the Chief.

[11:19]

Kevin Sherburne: Between 2016 and the time that you were rehired by the Sheriff's Office, did you have any employment?

[11:25]

Michael Kim: Yes.

[11:26]

Kevin Sherburne: What was your employment?

[11:27]

Michael Kim: I worked for, I think I worked for Executive Shield for about a year who was a security company. And, and concurrently about six months after I left the, the Sheriff's or the city county, I got hired back with the city county as a security, uh, supervisor for the War Memorial. So.

[11:45]

Kevin Sherburne: Okay.

[11:46]

Michael Kim: So I walked across the street from City Hall. So I worked there until, uh, I was hired with the Sheriff's Department.

[11:54]

Kevin Sherburne: Okay.

[11:54]

Michael Kim: So it was almost like nine and nine years or so.

[11:57]

Kevin Sherburne: Okay. Um, did Andy Li ever work for Executive Shield?

[12:06]

Michael Kim: Uh, I, I don't think so. I tried to, uh, uh, he told me that he got a guard card and he wanted to try to, you know, come clean at work. When he came out of, uh, prison, he wanted, I always thought that he was, I was trying to help him out to get - live a clean life. He had a kid, he had two kids, a daughter and a son. It's like, Hey, he can't keep on going in and outta jail 'cause you're not gonna, you, you can't survive. So when he told me he got a guard card, I tried to have my, my, my friend, uh, at the

time was, uh, uh, the exec, CEO. It was Danny, uh, Gonzalez, and tried to ha have him, uh, see if he could hire him there.

[12:44]

Kevin Sherburne: Okay. What year was that?

[12:47]

Michael Kim: Uh. Probably like 2000, like ‘14, ‘13, somewhere around there.

[12:59]

Kevin Sherburne: Okay.

[12:59]

Michael Kim: Before, before. Um.

[13:02]

Kevin Sherburne: Okay.

[13:02]

Michael Kim: The, before they got raided.

[13:07]

Kevin Sherburne: In, um, if we could go to August of 2014, um, earlier you stated that you were interviewed with by the FBI.

[13:14]

Michael Kim: Yes.

[13:15]

Kevin Sherburne: So, I'll represent that. It was in, there was one interview in August 2014, another in December of 2014.

[13:20]

Michael Kim: Yes.

[13:21]

Kevin Sherburne: Um, at that time you told the FBI that you had written a memorandum to your Chief. I'm assuming that's Matt Freeman.

Um, do you recall what I'm talking about when I say you wrote a memorandum?

[13:31]

Michael Kim: Yes.

[13:31]

Kevin Sherburne: Okay. Um, was, was that person that you addressed the memorandum to Matt Freeman?

[13:36]

Michael Kim: Yes, it was.

[13:38]

Kevin Sherburne: And, um, what did you state in that memorandum?

[13:41]

Michael Kim: I stated the same thing I said to the FBI, I said that I, uh, left, uh, I left my vest at, uh, Mimi's place. I was going to a bar. I left at his place. My wife was supposed to pick it up. My wife forgot to pick it up. It's been in her car. And then when the feds, uh, raided, uh, Andy's house, my vest was in there. So I told, uh, Matt the same thing.

[14:04]

Kevin Sherburne: Okay. Did you keep a copy of that memorandum?

[14:07]

Michael Kim: No, I did not.

[14:08]

Kevin Sherburne: Okay. Do you know where that memorandum might be? Uh, a copy of it, whether it's hard copy, like a piece of paper or a digital version of it on a computer?

[14:16]

Michael Kim: Uh, I, I do not know.

[14:17]

Kevin Sherburne: Okay.

[14:18]

Michael Kim: Because, uh, I know, I'm not sure if I gave him an email or I handed it to him.

[14:22]

Kevin Sherburne: Okay.

[14:23]

Michael Kim: And, uh, I mean, I guess you guys can go back to my, uh, work email.

[14:29]

Kevin Sherburne: Mm-hmm [affirmative].

[14:29]

Michael Kim: I'm not sure how that works, if it's in the cloud. I, I, I really don't know.

[14:33]

Kevin Sherburne: Okay. Are you in touch with Matt Freeman?

[14:35]

Michael Kim: No. Ever since he retired, I mean, even before he retired, I haven't, like when I left the Sheriff's Department, I really didn't, uh, keep in touch with him.

[14:43]

Kevin Sherburne: How long ago would you think that would be?

[14:46]

Michael Kim: Probably over, over like 10 years, I think.

[14:49]

Kevin Sherburne: Okay. So, he retired maybe 10 years ago in 2015ish?

[14:52]

Michael Kim: Well, I, I left the department and -

[14:54]

Kevin Sherburne: Okay.

[14:54]

Michael Kim: In 2016.

[14:55]

Kevin Sherburne: Yeah.

[14:56]

Michael Kim: And I didn't, and I, I talk, I still talk to some people like, but I, I didn't talk to Matt.

[15:01]

Kevin Sherburne: Okay.

[15:02]

Michael Kim: And so, yeah. And Matt retired and ever since that, no one's been able to get a hold of him. I think he's out of, I think he might have went to Nevada or something, or outta state.

[15:21]

Kevin Sherburne: During that August of 2014 interview, you told the FBI that you went with Andy Li to engage in debt collections that Andy Li was, um, undertaking at casinos. Um, what part did you play in the debt collection?

[15:35]

Michael Kim: Uh, I didn't even know he was collecting debt. I, he was, hey, let's go over here. I'm, uh, I went with him and every time I, I didn't know he was collecting, 'cause they all, he spoke Chinese. Every time he went with to talk to people, he was all in Chinese. I don't speak Chinese. I speak, I speak a little bit of Korean. And so he would go there and, I mean, I didn't see him with, like I said to the feds. I didn't see him with any weapons or anything. It was just cordial stuff that he would talk to them. And

next thing you know, he'll, when we leave, he'll say, hey, you know, here's, here's a hundred bucks or so. Okay, cool. And then, and then we'll go to, it's like, it wasn't like, hey, let's go collect the debt.

[16:10]

Kevin Sherburne: Okay.

[16:11]

Michael Kim: Because I'm like, hey, I'm going to, you know, we're gonna go out tonight. Okay, cool. We're gonna go to a club, or we're gonna go to a bar or whatever. And he goes, oh, hold up. Let me, I need to go somewhere for a sec. Can you come with me? I'm already in the car.

[16:22]

Kevin Sherburne: Did you wait in the car or did you go inside?

[16:23]

Michael Kim: Sometimes I went in the car. He goes, I'll be right back. And sometimes, you know, we'll go inside, 'cause some of the places had food, like, like Artichoke Joe's, and, uh, Lucky Chance at restaurants in there. Sometimes we'll go in there.

[16:34]

Kevin Sherburne: Okay. When he gave you the money, did you ever ask him, hey, where'd, why are you giving me this money?

[16:39]

Michael Kim: Not, not really.

[16:40]

Kevin Sherburne: Okay.

[16:42]

Michael Kim: I didn't get a chance to ask.

[16:44]

Kevin Sherburne: Do you consider yourself naive?

[16:49]

Michael Kim: Sometimes. Sometimes. Like when, I mean, when he comes with Andy, like, I always try to help him. I know he had a bad, like, like high school when he was growing. His mom, his mom died when he was young. And, uh, his, you know, his dad was always working. And his dad, you know, gambled a lot. And I always try to help him out. Like, you know, like he, I, I would work at my mom's, my parents' restaurant, you know, bring him food and stuff like that. You know, always try to make sure that he's tried to stay like straight and arrow. But I mean, with that, yeah. I think I am with him, 'cause I'm always trying to make him a better person.

[17:29]

Kevin Sherburne: Okay.

[17:29]

Michael Kim: But he always makes bad decisions.

[17:33]

Kevin Sherburne: You said, um, that you speak Korean, some Korean and that he was speaking Chinese?

[17:38]

Michael Kim: Yes.

[17:38]

Kevin Sherburne: Um, do you know, how do you know it was Chinese?

[17:42]

Michael Kim: 'Cause he speaks Chinese and there's, they're not speaking Korean. They're not - he, he speaks Cantonese.

[17:48]

Kevin Sherburne: Okay.

[17:48]

Michael Kim: So….

[17:51]

Kevin Sherburne: Do you know any words in Cantonese?

[17:54]

Michael Kim: Some.

[17:54]

Kevin Sherburne: Yeah. And so, are you familiar with the sound of the Cantonese language? And you could surmise that was Cantonese?

[18:05]

Michael Kim: Yeah.

[18:05]

Kevin Sherburne: Or did Andy Li ever tell you it was Cantonese?

[18:07]

Michael Kim: No, I could like, uh, like, I guess pick it up. I, I guess the sound like being between.

[18:13]

Kevin Sherburne: Okay.

[18:14]

Michael Kim: Uh, Cantonese, Vietnamese, Korean, or Japanese.

[18:16]

Kevin Sherburne: Okay.

[18:17]

Michael Kim: I, I don't know how I can, uh, explain that, but -

[18:19]

Kevin Sherburne: Okay.

[18:19]

Michael Kim: If I hear it, like I can, you know, that's, that's Vietnamese or that's Cantonese.

[18:24]

Kevin Sherburne: Okay.

[18:25]

Michael Kim: But do I know the meaning of it? I have no idea.

[18:27]

Kevin Sherburne: Okay. Until the time that you first became a deputy with the Sheriff's Office in 1999, did you engage in other activity with Li or anyone else including Shrimp Boy? Like debt collections?

[18:45]

Michael Kim: No.

[18:45]

Kevin Sherburne: Okay.

[18:46]

Michael Kim: Because I, once I be, uh, gotten the Sheriff's Depart, I really, I, I don't think I saw him that much. 'cause he, I think he was in and out of prison. But I, I I, I was working on my career. I was, you know, I had, I, I had a daughter. I was caught coaching softball, so I didn't have a lot of time. It was always work and, uh, and, uh, home with, with my kids.

[19:10]

Kevin Sherburne: When was the last time you had any contact with, um, Andy Li?

[19:18]

Michael Kim: I think, I'm think, uh. The last time I had contact with him was when I was at home and we're talking with his after he got arrested. So I was talking with, we're, I was talking with his wife, and then she hands me the phone and tells me, talk to this person. I'm like, who the heck are you talking about? I talked, it was Andy.

[19:45]

Kevin Sherburne: Okay.

[19:46]

Michael Kim: And I was like, I can't talk to you. I think they probably have that on the recording, the feds. And that's one of the things that I totally forgot about.

[19:52]

Kevin Sherburne: Okay.

[19:53]

Michael Kim: When the feds asked me about it.

[19:54]

Kevin Sherburne: Okay. So if I have this correct, you're at your house and Andy Li is also at your house in person?

[20:00]

Michael Kim: No.

[20:00]

Kevin Sherburne: Did she?

[20:01]

Michael Kim: He was, Mimi was.

[20:03]

Kevin Sherburne: Oh, Mimi's your wife?

[20:04]

Michael Kim: No.

[20:05]

Kevin Sherburne: I'm sorry.

[20:05]

Michael Kim: Mimi. Mimi is Andy's wife.

[20:07]

Kevin Sherburne: Okay.

[20:08]

Michael Kim: So, she was at, at our house, and she was worried about, uh, Andy being in jail.

[20:14]

Kevin Sherburne: Okay.

[20:15]

Michael Kim: And. I was trying to like, trying to help her, like, hey, with her childcare?

[20:19]

Kevin Sherburne: Yeah.

[20:20]

Michael Kim: And she was stressed out.

[20:21]

Kevin Sherburne: Yeah.

[20:21]

Michael Kim: And she was crying and she was like, at the house, you know, I told her, come on over to the house.

[20:25]

Kevin Sherburne: Okay.

[20:25]

Michael Kim: And I was like, okay.

[20:27]

Kevin Sherburne: Yeah.

[20:27]

Michael Kim: What can I do? And they wanted, she was asking if I could put my house up for his bail.

[20:32]

Kevin Sherburne: Okay.

[20:32]

Michael Kim: And I, and I said, uh, I said, no, I can't do that.

[20:35]

Kevin Sherburne: Yeah.

[20:36]

Michael Kim: And then, so, she was talking to him and she gave me the phone.

[20:39]

Kevin Sherburne: I see.

[20:39]

Michael Kim: And I next, like, I didn't want to talk to him. I -

[20:41]

Kevin Sherburne: Yeah.

[20:42]

Michael Kim: Didn't want anything to do with him.

[20:43]

Kevin Sherburne: Do you know where he was at that time?

[20:44]

Michael Kim: Uh, I think he was in somewhere in j - uh, whatever the -

[20:47]

Kevin Sherburne: So, in jail himself.

[20:48]

Michael Kim: He was in jail somewhere. I don't know where he was, but -

[20:50]

Kevin Sherburne: Okay.

[20:51]

Michael Kim: There was a jail phone call.

[20:53]

Kevin Sherburne: Okay.

[20:53]

Carrie Woolley: I'm sorry. What year was that?

[20:56]

Michael Kim: It was 2 – 2000 and I think it was ‘14.

[20:58]

Carrie Woolley: Okay.

[20:59]

Michael Kim: ‘14.

[21:00]

Kevin Sherburne: Okay.

[21:00]

Michael Kim: I think so.

[21:01]

Marie Masters: Thank you.

[21:04]

Kevin Sherburne: After you became a deputy, did Andy Li request any sensitive law enforcement information? And, and so by that, what I mean is it's anything that's not public, anything that could potentially compromise law enforcement operations, investigations,

sources, operations, safety of individuals, or was subject to a non-disclosure agreement such as CLETS.

[21:23]

Michael Kim: Yeah. He, he tried asking me to run a plate for him.

[21:27]

Kevin Sherburne: Okay.

[21:28]

Michael Kim: And I said, I can't run a plate. That's illegal.

[21:30]

Kevin Sherburne: Okay.

[21:31]

Michael Kim: You run a CLETS plate and it's not during, within your scope of the investigation, you're gonna, that's a misdemeanor. You're gonna get in trouble before you can get -

[21:37]

Kevin Sherburne: Okay.

[21:37]

Michael Kim: I've – I've seen some of the people – officer get fired for that. So.

[21:40]

Kevin Sherburne: Okay.

[21:41]

Michael Kim: I'm not, I never, I've never gave Andy any information, sensitive information or anything that jeopardizes any investigation, any of that stuff.

[21:49]

Kevin Sherburne: Okay.

[21:49]

Michael Kim: What he did ask me was, he asked me for if he could, uh, he's, a couple of these people are, you know, he, he thinks they're in jail. What, what? You know, can you help me? Can you, can you find out? And the things I can do is I'm like, yeah, I could help you with that. Because it's public information. Anything that was public that you can call 'cause before we had our computer system, basically you call the jail and ask him, hey, so-and-so in jail, and you can give him he's yes or no, uh, the bail information and the charge that's open to any – anybody. So, he was trying to ask me, hey, can you, can you ask, can you find out these two people? I'm like, yeah. Okay. Did you call the number? You can call the public number. He didn't know. So, I called the – I called the number, which is, uh, for us, it's, we have the, he, we have the, the CJ nine intake officer. We have law enforcement number. So, I called the number. I asked, hey, so, and can you look, uh, I forgot who I spoke with. Can you look up at these people in jail and what information they have? I – I'm not sure if they were in jail or not, but that's the only information I gave them, which is public record that anybody can get. I don't, I've never given anybody any information. I never jeopardized my career by giving people information or that sensitive information. A lot of the things I do, when I was in the SSU and the SWAT team, we had a lot of sensitive information working with other agencies, which I, it's always like, it's a need to know. If you don't need to know, I won't give to even within law enforcement.

[23:20]

Kevin Sherburne: Thank you. When did you decide that you were gonna reapply for the San Francisco Sheriff's Office deputy position?

[23:37]

Michael Kim: I, well, when I got my, when I was finished with my, uh, probation, I got my probation done early 'cause I, I, uh, they, uh, guess the feds told me, the probation officer said, hey, you, you are within your rights. You did everything you're supposed to do. You were not in, never got in trouble again. So, I went and, uh, I talked to some of the, uh, deputy sheriffs. I still keep in touch with a lot of the staff, a lot of the, uh, the chiefs that I worked with. Uh, so, you know, they're, some of them were asking, hey, are you gonna come back to work? I'm like, okay, yeah. If you guys want me to, I'll be I'll, I'll come back. I would love to, but I have to go through the whole process. It's not, they're not gonna gimme any special treatment for what I was doing. Like, hey, I applied and, uh, and I went through the process and I got hired.

And then I know I read in your, uh, notes that I applied the first time and you wanted to know why I was not hired.

[24:28]

Kevin Sherburne: Mm-hmm [affirmative].

[24:29]

Michael Kim: Why was it, I forgot what you, what you said [unintelligible] something days that I wasn't hired. I, uh, I was, I was, um, my friends in the department asked me, hey, do you wanna come back? If you, you know, we'd love to have you back. I'm like, I would love to come back. You know, I talked to some of the, uh, other deputies that was there, other, uh, people in the, in the chain of command. And they say, yeah, if, you know, I would love to have you back. So I did apply. And within that first, uh, the go around, I would say that I didn't get hired if, I don't know why I wasn't hired. The way that the department does is that it's a list. The city does a list. I was on the list, and they can pick anybody from the list. So the first, the first time I didn't get hired, I wasn't picked from the list. So now how come I applied again? Well, I, the list expired. Once the list expires, it's you, they can't hire from that list. So the second time I applied and I was on, I was, I still took the test like everybody else got on the list. And then they hired me and they went through the process.

[25:31]

Kevin Sherburne: Okay.

[25:31]

Michael Kim: So.

[25:32]

Kevin Sherburne: The first time that you applied reapplied was April of 2021. How long before that, at that point, you knew that you had to undergo a Requal course.

[25:42]

Michael Kim: Yes.

[25:42]

Kevin Sherburne: To be recertified because your certificate had lapsed become inactive. Um, when did you apply for that Requal course?

[25:51]

Michael Kim: So, with that, I, I don't, I was, I wasn't very clear how the POST Requal was 'cause I had, 'cause no one could tell me exactly like what the Requal was, how you go about it, if it's three years after you leave appointment or you get like a one time thing. I didn't know how that worked. So, I did some research on it and then I, uh, called POST and, and applied. And they told me, yeah, I, I fit the, I, um, within the, within the guidelines. And, uh, you, uh, I guess they told me I qualified for it and I applied and I got, and I requalf.

[26:28]

Kevin Sherburne: Okay.

[26:29]

Michael Kim: With the -

[26:30]

Kevin Sherburne: Uh, what school did you go to?

[26:32]

Michael Kim: Uh, I went to, uh, uh, uh, was it San Jose? I think it's.

[26:37]

Kevin Sherburne: Is it South Bay Regional Training Consortium?

[26:39]

Michael Kim: Yeah.

[26:39]

Kevin Sherburne: Does that sound familiar?

[26:39]

Michael Kim: Yeah. I think so.

[26:41]

Kevin Sherburne: Um, so if the class starts hypothetically on June one, how much in advance of June one would you have to apply? Two months, three months, five months?

[26:52]

Michael Kim: I, I don't know.

[26:53]

Kevin Sherburne: Okay.

[26:53]

Michael Kim: It all depends on when, I guess, I guess it was when they, uh, the class closes if they have enough, enough people.

[27:01]

Kevin Sherburne: People, okay.

[27:02]

Michael Kim: And they close. So they have, if you go on the website, they'll have I guess whatever day semesters they.

[27:09]

Kevin Sherburne: Okay.

[27:09]

Michael Kim: They, uh, have open enrollment.

[27:12]

Kevin Sherburne: Yep.

[27:12]

Michael Kim: And so if you're, if they fill it, it gets closed. And if it's not filled, you can still apply for it.

[27:17]

Kevin Sherburne: Okay.

[27:17]

Michael Kim: So, I don't, I don't remember when it may, a couple of months.

[27:21]

Kevin Sherburne: Okay. Earlier you had mentioned that you talked to people, other deputies with whom you were in touch with.

[27:26]

Michael Kim: Yes.

[27:26]

Kevin Sherburne: But you also used the words chain of command. What, what people in the chain of command at the sheriff's office did you talk to who encouraged you to reapply?

[27:35]

Michael Kim: Uh, like, uh, uh, uh, McConnell, Kevin McConnell. Uh, he's one of the guys, you know, one of, he said he's Chief Deputy. I, I spoke with him.

[27:47]

Kevin Sherburne: Okay.

[27:48]

Michael Kim: I have, uh, uh, who was the other, uh, let's see. Talked like, uh, Lieutenant, uh, Luquin. Okay. Uh, he, he's, he used to be in the SWAT team with me.

[28:02]

Kevin Sherburne: Okay.

[28:02]

Michael Kim: So him and like, uh, Ron Chu, who's a deputy. And there's, there's, I, I still keep in touch with a lot of my friends, uh, uh, Jin Choi, all those guys are people that I work with. And, uh, and was in my SWAT team with me and worked in the department.

[28:18]

Kevin Sherburne: Okay.

[28:18]

Michael Kim: So they, you know, they, they're, hey, you should come back. When are you gonna come back? How are you gonna, you know, work? I'm like, I'm not sure.

[28:24]

Kevin Sherburne: Okay.

[28:24]

Michael Kim: I wasn't sure.

[28:26]

Kevin Sherburne: Um, uh, Kevin McConnell, was he then the Chief Deputy, or is he currently, or what was his status at that time?

[28:32]

Michael Kim: He – yeah, he, he was, I, he was a captain and then I think he became a chief.

[28:38]

Kevin Sherburne: Okay.

[28:39]

Kevin Sherburne: So -

[28:39]

Kevin Sherburne: Do you know what his role was? Was he in charge of patrol? What was he in charge of?

[28:43]

Michael Kim: He was in charge of the field services, uh, division.

[28:52]

Kevin Sherburne: Did you ever talk to, um, any, uh, then Sheriff about coming back?

[28:58]

Michael Kim: I did. I did talk to Sheriff. Sheriff also, uh, uh, wrote me a recommendation letter too.

[29:04]

Kevin Sherburne: Okay.

[29:05]

Michael Kim: I know I – you guys saw that letter too?

[29:08]

Kevin Sherburne: When did he write you that letter?

[29:15]

Michael Kim: I think he wrote it like, like 2024 some, somewhere around 2024 or so.

[29:25]

Kevin Sherburne: Okay.

[29:25]

Michael Kim: Because, uh, this is when I was going through the whole process and I was talking with, uh, Dr. Dunnigan, my psych, um, during my psychological test. And, uh, I, I asked, uh, talked to, uh, talked to the Sheriff and asked him, would you write me a recommendation letter? And he wrote me a letter, recommendation letter.

[29:45]

Kevin Sherburne: Was the letter specifically for Dr. Dunnigan or was it in general, like if you went to apply for General Electric, IBM or Target or some other employer?

[29:54]

Michael Kim: It was, it was for, uh, uh, Dr. Dunnigan, for specific for that.

[30:00]

Kevin Sherburne: Okay. I have a copy of that letter here that I'd like to show you. And I think you've seen it before.

[30:08]

Michael Kim: Yes.

[30:12]

Kevin Sherburne: I do have a copy of it, I promise. I may have stapled it to something else. Forgive me. Sorry. Hold on. Too many papers. Sorry.

[30:45]

Marie Masters: It's okay.

[30:46]

Kevin Sherburne: Wrong file folder.

[30:50]

Carrie Woolley: Somewhere in here?

[30:57]

Kevin Sherburne: Okay. So, I'm, I'm showing you now a letter for purposes of the recording. Um, uh, what, what is that letter? Can you take a moment and read it and kind of familiarize yourself with it, please? What, what is that document that I've just given you?

[32:02]

Michael Kim: This is a letter that, uh, uh, Sheriff Miyamoto wrote, uh, for me to give to Dr. Dunnigan.

[32:09]

Kevin Sherburne: Okay. Um, who actually put ink to paper on that, or fingers to a keyboard. Did you write that for Paul Miyamoto or did he sit down on a keyboard?

[32:21]

Michael Kim: I, I did not write this.

[32:22]

Kevin Sherburne: You did not write that?

[32:23]

Michael Kim: Yeah.

[32:23]

Kevin Sherburne: Um, so did you ask him specifically for a letter of recommendation to give to Dr. Dunnigan or?

[32:32]

Michael Kim: You know what? I, I don't, I don't, I don't, I don't know.

[32:36]

Kevin Sherburne: Okay.

[32:36]

Michael Kim: I don't know if I, I might have asked him, can you gimme a recommendation letter or, I'm not sure. But, uh, this is, uh, what he, uh, uh, sent me. And I know, uh, I, uh, I think it was 'cause I was talking to Dr. Dunnigan, 'cause when I talked to him, and as you already know, I did not pass my, my, uh, the Department's, uh, psych test.

[33:01]

Kevin Sherburne: Okay.

[33:02]

Michael Kim: And then, so they gave me, uh, I appealed it and got my second evaluation when I got my second evaluation with Dr. Dunnigan. And he was telling me that everything looks good. Your, your numbers looked all within, you know, it's good 'cause you already work or law enforcement. But the only thing that he couldn't, uh, pass me was because I have a pending investigation. And I told, and at the time, I told him, my investigation will be, hopefully it'll be concluded and I'll be exonerated from the false claim. And I asked him, would you be able to, would I be able to, you know, no. Would he be able to once I, uh, pass, but once I was the investigation complete, will he able to change his evaluation of me? And he says, if you, if you get that done, if it gets, uh, completed, uh, within the next, was it week or so, he has no problem doing it. So this thing took longer than several weeks. It was, I think in January, maybe late December or early January that I was exonerated from the charges from this, uh, frivolous, uh, uh, employee. So I called him back and I said, hey, Dr. Dunnigan, uh, I've completed, uh,

the thing I was exonerated from all of this, will you be able to gimme a, an, uh, a revised, uh, recomme - , uh, what do you call it? The, the, the evaluation? And he said was, no, he can't, because it's been so long, it's been several months. So what I have to do is I have to pay him again and take another test, which I did. And then he said that these letters were, uh, the DHR letter, uh, which is Department of Human Resource in San Francisco. Uh, they exonerated me from all the false claims. So he said, these are, this is perfect, and this is what he needed. So that's why when I, when I, I took the test over again, and that's why he recommended me, that I was suitable.

[35:00]

Kevin Sherburne: Suitable.

[35:00]

Michael Kim: For that because I guess he said that it was within the, the POST guide perimeters.

[35:06]

Kevin Sherburne: Okay.

[35:06]

Michael Kim: That, that the, the pending investigations, he couldn't, he couldn't approve it.

[35:11]

Kevin Sherburne: Okay.

[35:11]

Michael Kim: So.

[35:12]

Kevin Sherburne: How did you select Dr. Dunnigan in the first place?

[35:15]

Michael Kim: They, the, the, the city, not the city, but the, uh, the sergeant from backgrounds, they gave me whole, I guess gave me a list, or this is the website. This is, uh, POST approved, uh, uh, people.

[35:30]

Kevin Sherburne: Okay.

[35:30]

Michael Kim: So, I clicked on the POST approved, looked at it and was, I think it was one, was the closest one to my, to me.

[35:36]

Kevin Sherburne: Yeah.

[35:37]

Michael Kim: Or one, what was, that was able to take me as soon as possible instead of waiting four months. So -

[35:43]

Kevin Sherburne: Okay.

[35:43]

Michael Kim: I picked him.

[35:44]

Kevin Sherburne: Okay.

[35:44]

Michael Kim: It's closest. And it was, I think all, everything was online.

[35:48]

Kevin Sherburne: Okay.

[35:48]

Michael Kim: Taking the test while with, I guess it's a video monitor.

[35:51]

Kevin Sherburne: Okay.

[35:52]

Michael Kim: So, they had a proctor and watching us while we're taking the test with the live camera.

[35:57]

Kevin Sherburne: Okay.

[35:57]

Michael Kim: So.

[35:58]

Kevin Sherburne: Did you have any relationship doctor patient relationship prior to the S – San – San Francisco Sheriff's psych eval?

[36:05]

Michael Kim: Um, I, no. I don't even know who, I never even seen the person.

[36:09]

Kevin Sherburne: You never met him in person or?

[36:11]

Michael Kim: It was always over email or on the phone.

[36:13]

Kevin Sherburne: Okay.

[36:13]

Michael Kim: Or, or, uh, the evaluation part was over the, uh, it was FaceTime or Teams.

[36:21]

Kevin Sherburne: Okay. Okay. Virtual.

[36:22]

Michael Kim: Yeah.

[36:22]

Kevin Sherburne: Um, or computerized.

[36:24]

Michael Kim: Yeah.

[36:24]

Kevin Sherburne: Did you ever have any relationship with him as a doctor patient after the San Francisco Sheriff's Office? Uh, psych eval?

[36:31]

Michael Kim: No.

[36:32]

Kevin Sherburne: Okay. Was the only relationship then, would it be fair to say the only relationship you had with him was because you were undergoing the psych eval through San Francisco Sheriff's Office?

[36:42]

Michael Kim: Yes.

[36:42]

Kevin Sherburne: Okay.

[36:46]

Michael Kim: And then after that, when he approved me, uh, the city, I, guess the DHR called me and says, hey, we we're going to get you, I guess the city doctor, which is the, uh, arbitrator.

[36:57]

Kevin Sherburne: The third.

[36:57]

Michael Kim: The third, yeah.

[36:58]

Kevin Sherburne: Right. Okay.

[36:59]

Michael Kim: So, I took the test. I get, I think that person was somewhere in Washington or something, Washington State. And, uh, that's what the, that's what the DHR, uh, gave me. Tell him to call him. So I made the call, uh, they gave me the set appointment up, and it was pretty much like the same format. Took the test over the computer and had an interview with, with, uh, uh, the doctor.

[37:22]

Kevin Sherburne: Okay.

[37:22]

Michael Kim: Yeah.

[37:23]

Kevin Sherburne: So, in November of 2023, Dr. Dunnigan does his first evaluation of you, that evaluation. Was deems not suitable?

[37:33]

Michael Kim: Yes.

[37:33]

Kevin Sherburne: In February or March of 2024, he does a second evaluation. That evaluation was suitable. In between that time I heard you say that you had conversations with Dr. Dunnigan. Did you also have conversations with Paul Miyamoto?

[37:51]

Michael Kim: I, I, I, I, I think I did. I could have.

[37:54]

Kevin Sherburne: Okay.

[37:55]

Michael Kim: Because my, uh, my, my current boss I was working at, at, uh, uh, War Memorial, she knew that I was going to the Sheriff's Department, and she knew that, uh, she, she just got into that position. Okay. So, and she was, uh, uh, she didn't know me very well, but, uh, she knew of me because I was one of the

supervisors there. And so, uh, she knew I was going through the process of going to the Sheriff's Department, and she was, I was giving her feedback, you know, what my status was 'cause as a, as a super, as a -

[38:29]

Kevin Sherburne: Mm-hmm [affirmative].

[38:29]

Michael Kim: Managing director, you want to know who's, who's staying, who's leaving.

[38:31]

Kevin Sherburne: Mm-hmm [affirmative].

[38:32]

Michael Kim: So I gave her an update and I told her about the, uh, I think I told her about, uh, the, the, uh, uh, the evaluation because she was, she knew because of the, of the harassment claim that I was being charged with 'cause they sent me, uh, basically for almost a year, a year or so, about a year, less than a year that I was working from home because, uh, they, this female come in out sexually harassing her. And then they found out that there were all the investigation that all these other, uh, department, uh, like that wasn't our department. But, uh, tenants and, uh, course coming up and asking where I was 'cause no one knew where I was. I went to work and they escorted me out. That's never, that has never happened to me in my life. But because it was a sexual harassment claim. So, after the whole process, I had, I had people coming in my defense saying that Mike has never done any of this stuff. And Mike, and, and I've always, we've always seen Mike being professional at his work. He's never looked at people sideways, never tried to sexually harass anybody. So, she was well informed of that. And, uh, I, she was the first one, I guess as a department head, the investigation comes in, they let them know.

[39:55]

Kevin Sherburne: Mm-hmm [affirmative].

[39:56]

Michael Kim: So, she, you know, she came and, you know, I think, I think she called me 'cause and 'cause I would check in with her once a week. So, she called me and says, hey, you've been all exonerated.

[40:04]

Kevin Sherburne: Mm-hmm [affirmative].

[40:04]

Michael Kim: I'm like, great, thank you. 'Cause this is, and then she was like, I know how hard this was for you, but I'm like, yeah, 'cause I didn't do anything. I know things that I do and harassment and sexual harassment. I don't do any, I know the policy of the city. And that's, and I, and the thing is, I told, I, I teach kids and most of the girls that I, uh, I coach softball are from 10 to 17 year olds all the way from high school. And I coach girls softball. And I always try to empower them, you know, don't let any of these don't be a bully. Da da da da. All the stuff that I try to touch my kid.

[40:35]

Kevin Sherburne: Mm-hmm [affirmative].

[40:36]

Michael Kim: So that's what I had been doing. And my boss at the time, Kate, uh, Kate, so knew all of the stuff that I was going through. And I was going to the Sheriff's Department and she was helping me. And she was encouraging me. And I'm, I'm, and I think, uh, she was talking to Paul too 'cause they're two department heads.

[40:52]

Kevin Sherburne: Okay.

[40:52]

Michael Kim: They go to meetings all the time.

[40:53]

Kevin Sherburne: Yeah.

[40:53]

Michael Kim: So, she wanted to know what my status was. If I'm, what if, what, where am I at and how long do I have, does she have until they lose me to the Sheriff's Department.

[41:03]

Kevin Sherburne: Okay. Did you talk to Paul Miyamoto between November of 2023 and February 2024, about Dr. Dunnigan's evaluation of not suitable?

[41:14]

Michael Kim: Yes, I think I did.

[41:15]

Kevin Sherburne: Okay.

[41:16]

Michael Kim: And then I asked him, hey, can you write me a recommendation letter?

[41:18]

Kevin Sherburne: Okay.

[41:18]

Michael Kim: And, and he, and he wrote me a letter.

[41:20]

Kevin Sherburne: Would that have been in person, by phone, over email?

[41:23]

Michael Kim: Uh. Could, it could have been over by phone.

[41:26]

Kevin Sherburne: Okay.

[41:26]

Michael Kim: Yeah, because I, I, I don't, I didn't see him personally for like, I guess a while. The only time I saw him, him was, the last time I

saw him was, uh, probably when I got hired, when he, when we were, when he pinned the badge on me.

[41:41]

Kevin Sherburne: Okay.

[41:42]

Michael Kim: Where the, the, what they call the ceremony at City Hall.

[41:44]

Kevin Sherburne: Yeah. Um, how long after you asked him for a letter of recommendation, did you get this letter?

[41:50]

Michael Kim: Uh, I'm not sure what, uh, it could have been like a couple days or could be a week. I'm not sure.

[41:56]

Kevin Sherburne: Okay. I, I, I noticed that this letter is addressed to, to, to whom it may concern. And earlier you stated that it was written specifically for Dr. Dunnigan.

[42:06]

Michael Kim: Yeah.

[42:06]

Kevin Sherburne: Um, did you tell him this was for Dr. Dunnigan? I need a letter of recommendation for Dr. Dunnigan.

[42:13]

Michael Kim: Uh, I'm, I, I'm not sure if I, I'm not sure.

[42:17]

Kevin Sherburne: Okay.

[42:18]

Michael Kim: I could, it could, I could have, I'm not sure.

[42:19]

Kevin Sherburne: Okay. I also noticed that there's no signature on this letter. Did you, um, did you talk to him about, hey, I need a signature on this letter?

[42:27]

Michael Kim: You know what, I did not.

[42:29]

Kevin Sherburne: Okay.

[42:29]

Michael Kim: I, I asked him, he sent it to me in an email.

[42:31]

Kevin Sherburne: Okay.

[42:31]

Michael Kim: In a word, uh, Word document.

[42:33]

Kevin Sherburne: Okay.

[42:34]

Michael Kim: And then I printed that out and I actually, uh, I, I think I've, yeah. With, with Dr. Dunnigan, I just, uh, took a copy of it and forwarded it to him.

[42:43]

Kevin Sherburne: Okay. So, you didn't forward Paul Miyamoto's email to you, to Dr. Dunnigan. You drafted a new email, started a new thread, and sent that to Dr. Dunnigan attaching this letter?

[42:55]

Michael Kim: I, yeah, I think so.

[42:56]

Kevin Sherburne: Okay.

[42:56]

Kevin Sherburne: Yeah.

[42:57]

Kevin Sherburne: Okay. Did you talk to, uh, talk to, uh, Paul Miyamoto about the fact this was not on Sheriff's letterhead?

[43:04]

Michael Kim: You know what I, at, I think at the time I did not, I did not, uh, ask him about all that stuff.

[43:09]

Kevin Sherburne: Okay.

[43:10]

Michael Kim: Uh, you know, I, I asked him for a letter. He gave me a letter. I sent it over to Dr. Dunnigan.

[43:15]

Kevin Sherburne: Okay.

[43:16]

Michael Kim: And, and then the Dr. Dunnigan, I, uh, uh, that's, that's question. I think he raised that question too with me.

[43:24]

Kevin Sherburne: Okay.

[43:24]

Michael Kim: About, hey, this is, you know, not a letterhead it's not signed. And he said, did you write it? I'm like, I'm going through the whole process and this whole, and why would I write my own letter?

[43:34]

Kevin Sherburne: Okay.

[43:34]

Michael Kim: So, he says, I'll call, I'll call the Sheriff.

[43:37]

Kevin Sherburne: Do you know if he called him?

[43:38]

Michael Kim: Uh, I'm not sure. I'm not sure if he did or not.

[43:41]

Kevin Sherburne: Okay.

[43:42]

Michael Kim: But he told me he was gonna call the Sheriff to authenticate the -

[43:45]

Kevin Sherburne: Okay.

[43:46]

Michael Kim: The, uh, letter. And I'm like, yeah, please do. He's got his numbers there. Please give him a call.

[43:51]

Kevin Sherburne: Okay.

[43:51]

Michael Kim: Because I'm like, why would I write a, if I'm going through the process, and if I write something with the, with the Sheriff's name on it or, you know, recommendation letter, why would I do that? If I did, I would, I, I wouldn't even be working here.

[44:04]

Kevin Sherburne: Yeah.

[44:04]

Michael Kim: Because they'll, they'll investigate. They'll find out that if he did or didn't, it was a very simple question. He did, he wrote the letter, or he didn't write the letter. And so, uh, he told me that he was gonna call them.

[44:15]

Kevin Sherburne: Okay. Do you recognize that cell number as his work cell or his personal cell?

[44:21]

Michael Kim: Uh, you know what? I don't know. I, if I, you know, I could check my phone. I don't remember phone numbers anymore.

[44:27]

Kevin Sherburne: Uh.

[44:27]

Michael Kim: So.

[44:27]

Kevin Sherburne: Yeah, would you please take a minute?

[44:29]

Marie Masters: Yeah.

[44:29]

Michael Kim: Because usually an eight five zero is a department phone.

[44:32]

Kevin Sherburne: Okay.

[44:33]

Michael Kim: But.

[44:43]

Marie Masters: Do you have the email showing from, um, showing that Sheriff Miyamoto sent you this?

[44:49]

Michael Kim: Yes, I do. I do.

[44:51]

Marie Masters: Is it contained an electronic attachment of the Word document?

[44:54]

Michael Kim: Yes. It's, this is the Word document that came out. Five eight two four. Yes. This is his cell phone number. Uh, work cell number.

[45:13]

Kevin Sherburne: Work cell. So I, I understood you to answer Ms. Masters's questions, which were gonna be my questions. Do, do you still have that email? Um, would you be able to provide that to us either through counsel or directly?

[45:25]

Michael Kim: Yes. I think my counsel has a copy of that email.

[45:28]

Kevin Sherburne: Okay. Okay.

[45:29]

Michael Kim: Or the email thread.

[45:30]

Kevin Sherburne: Okay.

[45:31]

Marie Masters: And then I can forward you the actual electronic copy. So you can see that the metadata shows.

[45:34]

Kevin Sherburne: Okay.

[45:34]

Marie Masters: That it was all author [inaudible].

[45:47]

Kevin Sherburne: Do you have an, the email that you sent to Dr. Dunnigan with the letter?

[45:52]

Michael Kim: Yeah, I, I, I, I, I think so. She should.

[45:55]

Kevin Sherburne: Okay. Uh, if, if you don't already have that, um.

[45:58]

Marie Masters: No.

[45:58]

Kevin Sherburne: Marie, could we get a copy? Could, could, could I ask for your client to give that to you and send it to us?

[46:03]

Marie Masters: Yes.

[46:03]

Kevin Sherburne: Please. Thanks. Um, did Paul Miyamoto tell you what he was gonna do with respect to the status of your background application in between that timeframe of November 2023 and February of 2024?

[46:21]

Marie Masters: No.

[46:21]

Kevin Sherburne: Okay. The reason I'm asking that is because you got a rejection letter on November 30, 2023. So technically the application is done, like there's no, no more to do with it from the sheriff's office perspective, or were you aware of anything that they were working on in between that rejection based upon Dr. Dunnigan's non suitability finding and then your second evaluation with him?

[46:47]

Michael Kim: I have.

[46:48]

Kevin Sherburne: Not aware.

[46:49]

Michael Kim: I have no idea. I don't know how that's like their background and their process over there. I don't know.

[46:54]

Kevin Sherburne: Okay. In Dr. Dunnigan's report, which I'll, I'll give you a copy of, and I think your counsel had already has a copy of this. Oh, and I, I found my original letter that I was looking for, and it was -

[47:08]

Michael Kim: Uh, should have brought my reading glasses.

[47:10]

Kevin Sherburne: Attached to that. Um, you can borrow mine if you want.

[47:13]

Michael Kim: [laugh] Um, thanks.

[47:14]

Kevin Sherburne: He says in his report, um, he had, quote, no concerns at this time of bringing him back as a member of the sheriff's office. The, SO, and that the Sheriff's Office was aware of the conviction for contempt, quote, and still were interested in having him come back to work for the department. And then, uh, further, quote, he and the department feel it would be appropriate for him to again, apply. They were comfortable with him coming back and working there. So, other than your conversations with Paul Miyamoto, who within the chain of command at Sheriff's Office, did you have conversations with who had a say in the hiring process?

[47:56]

Michael Kim: I think the person has a say, and it usually everything goes with, with the, with the Sheriff.

[48:00]

Kevin Sherburne: Okay.

[48:01]

Michael Kim: Whatever he says, it goes.

[48:02]

Kevin Sherburne: Okay.

[48:03]

Michael Kim: I'm sorry. Here you go.

[48:04]

Kevin Sherburne: Uh, thank you.

[48:05]

Michael Kim: Yeah.

[48:08]

Kevin Sherburne: So, when Dr. Dunnigan says, you said that you had conversations with chain of command, would it, uh, was the only person in the chain of command that you had conversations with? Um, uh, Paul Miyamoto?

[48:22]

Michael Kim: I talked, yeah, I talked to Paul.

[48:23]

Kevin Sherburne: Okay.

[48:24]

Michael Kim: I talked, I talked to, uh, Kevin. I talked to, uh, uh, Luke Quinn, and all those guys were, you know, I talked to them.

[48:32]

Kevin Sherburne: Okay.

[48:32]

Michael Kim: And, and usually the person that has the most say in it, I mean, it's, it's the, the Sheriff. The Sheriff will say he, who he hire who doesn't hire. Right. So when I, uh, uh, I think I, I talked to Ron

too. Ron was usually the person I always talk to as a friend of mine.

[48:49]

Kevin Sherburne: Okay.

[48:49]

Michael Kim: So, I always talk to him. And so they're like, you know, Ron doesn't have a say who hires who gets hired or not. He just says, hey, you know what, if you want to come, you can get hired, Mike. You know?

[48:58]

Kevin Sherburne: Okay.

[48:59]

Michael Kim: You know, as long as you go through the process. Uh, I talked to Paul about it. I said, and he says, yeah, I don't have problem. As the letter says here, he doesn't have a problem with me coming back. He knows my, he knows my history. He knows, uh, uh, uh, I guess we worked together for almost like 20 something years together. He knows my family, he knows me well. He knows my character.

[49:21]

Kevin Sherburne: Okay.

[49:21]

Michael Kim: So, he was like, hey, if you know, if, if you, uh, you know, if you go through the whole process, we're, if you we're not gonna expedite anything for you, you gotta go through like everybody else that comes to the hiring process. So.

[49:35]

Kevin Sherburne: Okay. Earlier you said that Dr. Dunnigan had told you that you would've passed except for the fact that there was a pending investigation that was outside of the POST requirements. But in Dr. Dunnigan's report, he says he very likely would not have considered you suitable except for the fact of this letter from

Paul Miyamoto. Those two things don't seem to square. How would you reconcile those two things?

[50:06]

Michael Kim: He never said that to me on that part. He, this is what he said to me. This what he said to me.

[50:11]

Kevin Sherburne: Okay.

[50:11]

Michael Kim: He told me, hey, you know, you, uh, passed all the, uh, the testing requirements.

[50:18]

Kevin Sherburne: Okay.

[50:19]

Michael Kim: And the only thing I can't pass you with is because you have a pending investigation. That's what he told me. I'm not sure what he, maybe he would've, whatever. He was different than what he told me.

[50:31]

Kevin Sherburne: Okay.

[50:32]

Michael Kim: And if I knew that, I would've said, then, why would you then, don't recommend me. Don't, hi – don't hire me.

[50:36]

Kevin Sherburne: Right.

[50:37]

Michael Kim: And I could be still working at the War Memorial.

[50:40]

Kevin Sherburne: Okay.

[50:40]

Michael Kim: It's a city job, but that's not what he told me.

[10:31 AM / 50:43]

Kevin Sherburne: Okay. H – how do you spell your daughter's name? Your first first name?

[50:49]

Michael Kim: Name. Name .

[50:51]

Kevin Sherburne: Okay. How's it spelled in this letter?

[50:53]

Michael Kim: Uh.

[50:56]

Kevin Sherburne: Do you need my glasses, then?

[50:58]

Michael Kim: No, ICIC. Uh, Name . My, my daugh -

[51:02]

Kevin Sherburne: That, is the letter spelled correctly? The, the, the, is the spelling of the name in the letter correct?

[51:09]

Michael Kim: The, it's, that's, that's a common spelling for Name .

[51:12]

Kevin Sherburne: Okay.

[51:12]

Michael Kim: But my, my daughter has a different name.

[51:15]

Kevin Sherburne: A different spell -

[51:15]

Michael Kim: A it's Partial Name, my wife thought that was unique.

[51:17]

Kevin Sherburne: Okay.

[51:18]

Michael Kim: So.

[51:18]

Marie Masters: And I'd just like to ask if, um, this interview is released anywhere that her name would be redacted?

[51:26]

Kevin Sherburne: Absolutely. We do that as a matter of routine and pursuant to law. So, yes. How did you hear that Dr. Dunnigan gave you a suitable finding? The second, the, the, when he finally did the suitable?

[51:41]

Michael Kim: He told me.

[51:42]

Kevin Sherburne: He told you? Okay.

[51:43]

Michael Kim: Yeah. When, when the interview was over, he told me.

[51:46]

Kevin Sherburne: Oh, right then and there.

[51:47]

Michael Kim: Yeah.

[51:47]

Kevin Sherburne: Okay.

[51:50]

Michael Kim: And he says, I think he told me that he would send that over to, uh, uh, the backgrounds investigator once we're done with the interview.

[51:58]

Kevin Sherburne: Okay.

[52:00]

Kevin Sherburne: After you talked to Dr. Dunnigan and heard the, the suitability finding, did you have any conversations with Paul Miyamoto? Did you call him? Did he call you?

[52:13]

Michael Kim: Uh. You know what, I'm not, I'm not sure.

[52:15]

Kevin Sherburne: Okay.

[52:15]

Michael Kim: I, I, I could have said, hey, I passed. But I know, I, I think I also let, uh, my, uh, my supervisor or my, the direct, uh, managing director.

[52:27]

Kevin Sherburne: Yeah.

[52:27]

Michael Kim: Of, uh, of my job, Kate's office. I might have texted. I'm not sure.

[52:31]

Kevin Sherburne: Okay.

[52:32]

Michael Kim: There's a lot of things I'm not sure about on that. I -

[52:37]

Kevin Sherburne: What conversations have you had with Paul Miyamoto about the serious misconduct investigation?

[52:45]

Michael Kim: Well, uh, I don't think I had like a, like a sit down. Like, like, hey Paul, this is what happened. Uh, like a full in depth. I think he, uh, knew from, uh, uh, he probably got more information from the feds or people, or other law enforcement agents that talked to him. I and from, uh, uh, probably was who would hear on the news and stuff like that.

[53:09]

Kevin Sherburne: Okay.

[53:10]

Michael Kim: But I, I don't think I ever sat down with him and said, hey, you know, this is exactly what happened. You know, I said, I, I made, I made a mistake. I, I messed up.

[53:20]

Kevin Sherburne: Okay.

[53:20]

Michael Kim: You know.

[53:21]

Kevin Sherburne: So, um, I, I guess I'm not talking about the FBI investigation. I'm talking about POST's investigation. So, at some point POST sent you a letter saying, oh, hey, you, you're under investigation for serious misconduct, the licensing aspect of it.

[53:33]

Michael Kim: Oh, okay. [Sneeze from Marie Masters]

[53:34]

Kevin Sherburne: God bless you.

[53:34]

Marie Masters: Thank you.

[53:35]

Kevin Sherburne: The licensing aspect of it, did you talk to him at any point at about that?

[53:41]

Michael Kim: It was, uh, it was a, I think it was very brief 'cause they, they, I guess the undersheriff called me. Because I guess they were notified that I was, that, that you guys are going to decert me or trying to.

[53:58]

Kevin Sherburne: Okay.

[53:59]

Michael Kim: So, uh, I, I, I did, uh, had, let's see, I did have a, a conversation with him in his office with, uh, with, with, uh, Sergeant Perez was in there too. He was, uh, uh, personnel manager.

[54:17]

Kevin Sherburne: Okay.

[54:18]

Michael Kim: So, we did have a conversation, uh, of, uh, not, not, not about the POST stuff. Uh, I think the conversation was that, what, I mean, what can I do? Like if, if you guys, you know, decide to take my POST away.

[54:34]

Kevin Sherburne: Okay.

[54:34]

Michael Kim: It's like, uh, am I gonna retire? Am I, am I gonna, like, I could surrender my, surrender my POST. And so we, we, I think there was a discussion on that, uh, what's gonna, what would happen.

[54:46]

Kevin Sherburne: Okay.

[54:47]

Michael Kim: And the other thing was that, uh, the publicity of it, if it goes in public record publicity, and I, and I told Paul, and I told the, the Sergeant that everything's out in the open. I mean, everything that's there that I've, that I've done, it's most people reading from the newspaper, they never, you know, people, people don't know, really know what happened, just what the newspaper says. And that was it.

[55:10]

Kevin Sherburne: Okay. When was this conversation approximately?

[55:14]

Michael Kim: Uh, it was within the last, uh, I think last couple of months, I think. But I, I, I could, yeah. I'm not really sure. I can check my calendar.

[55:26]

Kevin Sherburne: Would – would you please?

[55:27]

Michael Kim: Yeah.

[55:27]

Kevin Sherburne: March.

[55:27]

Michael Kim: In May? [inaudible].

[56:40]

Michael Kim: Should be May. Should be May.

[56:48]

Michael Kim: Oh, it was, uh, May 13th.

[57:01]

Kevin Sherburne: Okay. Did you give them a copy of the POST investigative summary and findings?

[57:15]

Michael Kim: No, I think you guys sent, you guys sent him a copy, whatever that you guys sent to him. I did not.

[57:22]

Kevin Sherburne: Okay.

[57:22]

Michael Kim: I didn't give him a copy.

[57:23]

Kevin Sherburne: Okay.

[57:23]

Michael Kim: I asked, I think I asked him, do you have a copy? They should have sent you one. And I think it might have been just, uh, uh, whatever, I, I don't know, a letter.

[57:30]

Kevin Sherburne: Okay. Okay. Um, when you talked about your friend Ron, um, I think you had mentioned his last name was Chu. I just want to confirm that I heard that correct?

[57:42]

Michael Kim: Yes.

[57:42]

Kevin Sherburne: How do you spell that?

[57:43]

Michael Kim: C-H-U.

[57:45]

Kevin Sherburne: C. Okay.

[57:45]

Michael Kim: C-H-U.

[57:46]

Kevin Sherburne: Okay. And, um, you know, I think, I don't, I don't have any other questions for you now, Mr. Kim, at this point, it's 11:29. If, um, if you have a statement, if you want to take a brief break and confer with counsel to make an, an informed decision about whether to make a statement on your own, or Marie, if you want to, you can continue. Or if you want to take a five minute break, we can take a break.

[58:12]

Marie Masters: Um, if it's okay, I'll just ask my follow up questions and maybe take a break.

[58:16]

Kevin Sherburne: That's fine.

[58:17]

Marie Masters: Okay. Uh, let's see. Um, so I think earlier we discussed that there were two FBI interviews, and I think you said 2020, uh, 2014. Is that correct?

[58:38]

Michael Kim: Yes.

[58:38]

Marie Masters: Okay. Um, what was the purpose of the second one, at least on, on your part?

[58:46]

Michael Kim: The second invest? The second interview was, we initiated the, uh, the interview and, um, for me, uh, after the, after I spoke with, uh, the feds the first time, and then when I got home, it, I felt like really, uh, I felt bad. It was like, you know, I shouldn't have, you know, it, uh, lied to them of the investigation. So, uh, I got, uh, talked, called my union, got the attorneys, and then we tried to go in there and correct my mistakes. I made a mistake and we're gonna correct it and go in there and, and let them know that, you know, what I did was wrong and we're gonna, you know, go and correct everything that I did and go and tell the truth of what happened. And that's why, uh, I guess, uh, we're trying to, uh, schedule a, a meeting with them and it took a while and, uh, 'cause they were, I think, busy with other cases

that went on. So, we went in there and I went and talked to them.

[59:48]

Marie Masters: Um, was that decision to come forward part of a plea deal?

[59:52]

Michael Kim: No. And the feds never gave me a plea deal. And, uh, uh, I mean, the feds would've went and gave me pretty much, uh, well, a felony for everything. They don't use, they don't make deals. And I didn't go there and make a deal. They, I went there early and admitted what I did and cooperated with, with the feds, and they, and they gave me a, a, a misdemeanor contempt of court.

[01:00:25]

Marie Masters: Let's see. Earlier, um, I think there was mention of an investigation at the job that you worked between resigning, um, from the Sheriff's Office and being re-employed at the Sheriff's Office. Now, um, there, do you know what the outcome was or the findings were of that investigation?

[01:00:43]

Michael Kim: Uh, when I worked at War Memorial?

[01:00:45]

Marie Masters: Mm-hmm [affirmative].

[01:00:46]

Michael Kim: Yeah, it was, uh, the finding was that I was not, uh, uh, I was exonerated. I didn't do make, I didn't make all those claims that she's doing. Uh, the person, the female that made the claim, I think she was terminated. And then her, the boss, which is my security boss, his name's Omar Castillo, he was the boss, and he did not like me from the get go. And he's been trying to get rid of me for a long time. And so he, he fabricated all these, uh, uh, you know, misinformation, lies about me. And, uh, he tried to get other people to be involved in those, uh, lies that he made statements about. So, when the, when the new management director came in, which is his boss, they, he, they found out that this guy actually, he wasn't telling the truth. He was lying. So he was, I think he was also, uh, let go. And to find out that later

when the fe -, when the female was released, she went and told another supervisor that I, she was only here for one reason, and one reason was to come after me. And that, that she was, she also told, uh, the other supervisor that she was Omar's cousin, which nobody knew. So, uh, after she was let go, I guess the other information came out, but I was not in the office. So, I think the managing director knew all that information coming through.

[01:02:15]

Marie Masters: Um, the charge that we discussed earlier for contempt of court, was that a felony or misdemeanor?

[01:02:21]

Michael Kim: It was a misdemeanor contempt of court.

[01:02:30]

Marie Masters: Um, earlier you talked about, um, how you, there were occasions when you went to a, like a casino with, with Andy Li or, you know, similar places. Um, can you give us kind of an estimate of how old you were at the time, or like what years this was taking place? Just kind of a little, little context there.

[01:02:50]

Michael Kim: It's, it's, it's going to be like, like, like end of my end of high school or like, like within the first one or two years of our [inaudible], 19 and 20, 18, 19 or 20?

[01:03:04]

Marie Masters: Um, would it be fair to say that someone in their late teens is a bit more naive than someone who sits as you are now?

[01:03:13]

Michael Kim: Yes. I did. Like, most of the time I worked at my parents' restaurant. I played sports, played football, baseball, uh, swam. And 90% of the time I was at my parents' restaurant working. And then some days I would get out, be able to go out.

[01:03:27]

Marie Masters: Okay. Um, that's all I have.

[01:03:30]

Kevin Sherburne: Can, can I follow up on, so we, we heard the word exonerated at the mem - War Memorial, and I know that under, um, uh, police or sheriff's office rules for internal affairs, there is also the term exonerated as a finding, a possible finding from an IA, internal affairs investigation. Was that finding of exonerated at the War Memorial the same definition as what, what we would commonly understand in the police world?

[01:03:55]

Michael Kim: I think so.

[01:03:56]

Kevin Sherburne: Okay.

[01:03:56]

Michael Kim: I think that this, 'cause this didn't come from the War Memorial, it came from Department of Human Resources. They're like the big, the big HR over, over, overall.

[01:04:04]

Kevin Sherburne: Okay.

[01:04:04]

Michael Kim: Overall, the whole city.

[01:04:05]

Kevin Sherburne: The whole city.

[01:04:06]

Michael Kim: So, they have an investigator, they do their investigation.

[01:04:08]

Kevin Sherburne: Okay.

[01:04:09]

Michael Kim: And they found six months for them to do investigation. And they said that there was, you know, the claims were, it was false claims.

[01:04:17]

Kevin Sherburne: Right.

[01:04:18]

Michael Kim: And so.

[01:04:19]

Kevin Sherburne: Okay.

[01:04:19]

Michael Kim: When they interviewed, I think pretty much most of the security people and also all other people that came forward, uh, that went talked to the, uh, my boss or managing director.

[01:04:30]

Kevin Sherburne: Okay.

[01:04:30]

Marie Masters: We can try and get a copy of that to ensure we're not confusing exonerated with unfounded.

[01:04:38]

Kevin Sherburne: That's what I, that's what I'm -

[01:04:40]

Marie Masters: Yeah.

[01:04:40]

Kevin Sherburne: That's what I was -

[01:04:40]

Marie Masters: So let me. Um.

[01:04:41]

Kevin Sherburne: Um, interested in. Thank you.

[01:04:42]

Marie Masters: Yeah, I'll see about getting a copy of that.

[01:04:44]

Kevin Sherburne: Okay. Thank you. Um, and, and your counsel had asked you about the second interview, the December 20, 20, 2014 interview with the FBI. And I heard you say that it was on your, on your, um, initiation, um, that the FBI's FD 302 states that it was part of a proffer. Um, uh, is that your understanding of the context of purpose of that interview?

[01:05:08]

Michael Kim: I don't know what a proffer is.

[01:05:09]

Kevin Sherburne: Okay. So let me, if you just bear with me a minute. So I'm looking at the FD 302, which is the FBI, and I think we provided this to you as part of the attachments. In, in, in the first paragraph, it says, prior to beginning the interview, Franson, who's the US? AUSA, the prosecutor. McDougall, who was your private investigator and -

[01:05:48]

Michael Kim: It was attorney. It was attorney.

[01:05:50]

Kevin Sherburne: Uh, attorney. I'm sorry. I'm sorry. So, there was Franson, Jim McDougall and Michael Kim reviewed the proffer agreement and signed it after being advised of the identity of the FBI agents. Then, then it contains that. So this, this is what I'm talking about Marie. Um, in terms of the, the purpose of that interview, um, I'm formulating a question, so, um, bear with me. Uh, so, um, the wa - was the purpose of that interview to engage in negotiations about whether or not you would plead guilty to a misdemeanor?

[01:06:32]

Michael Kim: I still don't know what a proffer is.

[01:06:34]

Kevin Sherburne: Okay.

[01:06:34]

Michael Kim: But, so I -

[01:06:35]

Kevin Sherburne: Right. But aside from that.

[01:06:36]

Michael Kim: But I, I went, I talked to the, my attorney and told me to sign it. I signed it.

[01:06:42]

Kevin Sherburne: Okay.

[01:06:42]

Michael Kim: And, um, uh, when we went in, I'm not sure, uh, I'm not sure if we went in what he, what he, when my attorney talked to the, the AUSA about.

[01:06:51]

Kevin Sherburne: Yeah.

[01:06:51]

Michael Kim: But when I talked to my attorney, he was like, hey, we're gonna go in and I'm gonna, hey, you know, this is what, what I did. I, I feel, I, I don't feel right.

[01:07:00]

Kevin Sherburne: Okay.

[01:07:00]

Michael Kim: So, got the attorney and then we went in and I said, hey, let's, let's go talk to them. And well, I don't know what was on the table.

[01:07:06]

Kevin Sherburne: Okay.

[01:07:07]

Michael Kim: I, I don't know. But I went, I took the advice of my attorney and went in, and then this is what happened.

[01:07:14]

Kevin Sherburne: And at some point after this, this is December 2014, at some point you stood up in court with your lawyer there and you said, I plead guilty.

[01:07:22]

Michael Kim: Yes. That was, I think 2018 or so. That's -

[01:07:28]

Kevin Sherburne: So, four years later?

[01:07:30]

Michael Kim: Yeah, I think.

[01:07:30]

Kevin Sherburne: Okay.

[01:07:31]

Michael Kim: Whatever, whatever it was 'cause they wanted me, uh, I was, uh, uh, they, they, the, the FBI wanted to, wanted me to, uh, uh, what was it? Uh, uh, more information? Uh, I think so they were still going through the cases. So, uh, I think what, I'm not sure what my attorney told me this, or they were trying to get the Andy and Chow and all those guys, they were, they wanted to get them first before they got me.

[01:07:54]

Kevin Sherburne: Okay.

[01:07:55]

Michael Kim: So, I think that's why it took so long. And if you look at, I, I'm not sure if you got the FBI paperwork 'cause my court, my, uh, documents were sealed or under sealed.

[10:48 AM / 01:08:05]

Kevin Sherburne: Mm-hmm [affirmative].

[01:08:06]

Michael Kim: Okay. And, uh, so with, with, uh, with my doc, with my paper, I never asked my documents or court things to be sealed. I guess the AUSA sealed it 'cause they're trying, and they said from what, what they were telling me was 'cause because I helped the feds out or cooperated with them, that, uh, Andy was, uh, uh, testified in court, uh, in open court and I guess testified against him. And they did, uh, uh, I guess, uh, they helped the case out. I, I'm not sure 'cause I, all the stuff that I got the paper from, I didn't even know, like he did half the stuff, what he was saying. I, that's the first time me reading all that. I didn't read the newspapers. Uh, well, I, I'm sorry. I read some of the newspapers.

[01:08:51]

Kevin Sherburne: Mm-hmm [affirmative].

[01:08:52]

Michael Kim: That came out. But I did not know that he was doing all that stuff in the court. What the court document says, I was like shocked my, when I read it, when you, when you guys gave me the paperwork or when my attorney gave me the paperwork.

[01:09:02]

Kevin Sherburne: Okay.

[01:09:02]

Michael Kim: I didn't know he was doing half the stuff he was doing.

[01:09:06]

Kevin Sherburne: I don't have any other questions. Carrie, do you have any?

[01:09:09]

Carrie Woolley: Um, so when you were sentenced back in 2018, your attorney filed a sentencing memorandum. Do you remember him filing a sentencing memorandum?

[01:09:19]

Michael Kim: Yes. I, I think he gave me, I, I got copies of it too.

[01:09:22]

Carrie Woolley: So, part of that sentencing memorandum, he made a statement in there that said that you had resigned from the Sheriff's Office and that you had no intention of returning to law enforcement. Do you remember him making that statement in the sentencing memorandum?

[01:09:35]

Michael Kim: I read it, yes.

[01:09:36]

Carrie Woolley: Okay. Um, did he make that, that statement in the sentencing memorandum with your knowledge and consent?

[01:09:42]

Michael Kim: I'm not sure what I, what what, what we agreed on was that I was gonna resign from the Sheriff's Department. I was gonna resign 'cause I didn't want – the Sheriff's Department's always been good to me.

[01:09:51]

Carrie Woolley: Mm-hmm [affirmative].

[01:09:52]

Michael Kim: When I was, when I was working there, I, I didn't have, I, I wasn't, didn't have the issues. I was one of the, I was one of the rising stars in the Sheriff's Department. I did what I was supposed to do. I did my job.

[01:10:01]

Carrie Woolley: Right.

[01:10:01]

Michael Kim: And everyone there, like Michael Hennessy was great. He hired me, you know, I, and he promoted me. I had nothing bad for the Sheriff's Department. And I, and when my incident came out, I

didn't want that publicity to go for the Sheriff's Department. I mean, that's just, that's just me.

[01:10:19]

Carrie Woolley: Yeah.

[01:10:19]

Michael Kim: You know, some people stay and they'll fight all the way through all the bad publicity. I did not want that. I, uh, at that time I talked to, uh, uh, I, I think it was Vicki Hennessy. I, I spoke with her and more like an exit interview.

[01:10:32]

Carrie Woolley: Mm-hmm [affirmative].

[01:10:33]

Michael Kim: When I resigned. So, I talked, this is -

[01:10:35]

Carrie Woolley: Sure.

[01:10:35]

Michael Kim: The process. I talked with, uh, my attorney and I'm, I told him I don't want bad publicity 'cause I know what publicity does to the department. And I said, I, you know, it's like, hey, 'cause this, this is one of the biggest cases this, the, in, uh, federal court. Because when, when the, even when the feds spoke with me, they told me that this, the reason that we're coming after you is because this is an Asian senator.

[01:10:59]

Carrie Woolley: Mm-hmm [affirmative].

[01:10:59]

Michael Kim: It was, uh -

[01:11:00]

Carrie Woolley: Yeah, I remember Leland Yee. Mm-hmm [affirmative].

[01:11:02]

Michael Kim: Yeah. It was the Asian senator, was Asian gangsters and an Asian cop. Because of that, this is the big news. So, we're going to come after you.

[01:11:12]

Carrie Woolley: Yeah.

[01:11:12]

Michael Kim: And we're gonna give you the, uh, uh, you know, throw the book at you and we're gonna make an example outta you. And when I, when the feds were talking to me, and they, before the recordings went on, they, you know, they told me that this would, if you, uh, were just, just a regular person or regular, uh, police officer doing regular stuff without this big case, you, it would usually have been a slap on the ritual, a couple of suspension days, and you would've been done. But this is a big case. And because it's a big case, it's, it's, it's newsworthy. We, they're, they come after you and I'm like, I, you know, I made a mistake. I will take all the consequence that comes with it. And, and I left the department.

[01:11:53]

Carrie Woolley: Do you recall during your - were you present during your sentencing hearing?

[01:11:56]

Michael Kim: Yes.

[01:11:57]

Carrie Woolley: Do you recall if the judge asked you about that statement about not returning to law enforcement?

[01:12:02]

Michael Kim: I, I'm not sure.

[01:12:03]

Carrie Woolley: Okay. It's been, it's been a while. So, I -

[01:12:05]

Michael Kim: It's, it's been, yeah. I, I tried to like, put that behind me. [laugh]

[01:12:08]

Carrie Woolley: Right. Yeah.

[01:12:09]

Michael Kim: But, you know.

[01:12:10]

Carrie Woolley: That makes sense.

[01:12:10]

Michael Kim: Trying to move forward. But yeah, I, like I said, I know I, I made a mistake and, and I take full responsibility of everything I've done. And the people that know me in my department, the people that knows outside of me, I take responsibility. Things that I do. And I, and I, and I take full responsibility. Even when I went to the next job interview, they weren't gonna, hi, I, I don't think they were gonna hire me. 'cause they were like, hey, you know, we want to know if you're really gonna tell the truth about what happened to you. And I did. I told 'em, hey, I made a mistake, uh, uh, and now I'm paying the consequence for it. And I lost the, the best job I had in my life.

[01:12:45]

Carrie Woolley: Mm-hmm [affirmative].

[01:12:46]

Michael Kim: Okay. And that's why the previous, my other job is, uh, at War Memorial , they hired me. They're like, we knew, we knew, we read about all your, uh, we read, everyone read about it. So be with that. They want to know if I was gonna be honest with them and truthful about why I left the Sheriff's Department. Not just because I resigned and why, what, what was behind you resigning. So, I let them know, and I was charged with, you know, contempt of court. And so, they're like, okay. And after they hired me, my boss told me that he's no longer, he, he passed away. He had stage four cancer, died within six months.

[01:13:19]

Carrie Woolley: That's sad.

[01:13:20]

Michael Kim: Yeah. And he told me, yeah, I was waiting for you to say that. If you didn't say it, we weren't gonna hire you.

[01:13:26]

Carrie Woolley: Mm-hmm [affirmative].

[01:13:27]

Michael Kim: And so I was, I was, I was always being honest with that.

[01:13:30]

Carrie Woolley: It - so were you already working back with the city in your security position at that point? In December of 2018?

[01:13:37]

Michael Kim: Yes. I, I -

[01:13:37]

Carrie Woolley: Think it's December or October 2018 [inaudible].

[01:13:40]

Michael Kim: I got hired in 2016.

[01:13:42]

Carrie Woolley: Okay.

[01:13:43]

Michael Kim: So.

[01:13:43]

Carrie Woolley: And is in the - 'cause San Francisco's a charter city and county, is that a public safety position? Like, are you within the same retirement benefits or is it still in your retirement? I'm not sure if you guys are a 1937 Act county or PERS?

[01:13:59]

Michael Kim: So -

[01:13:59]

Carrie Woolley: So, you still have public safety retirement? Or is it a different type of retirement?

[01:14:03]

Michael Kim: It was, it was, it was, uh, SF first. It's a San Francisco.

[01:14:06]

Carrie Woolley: Okay.

[01:14:06]

Michael Kim: It's so not, not, not PERS.

[01:14:09]

Carrie Woolley: Okay. So you have your own retirement system. Okay.

[01:14:11]

Michael Kim: Yes.

[01:14:12]

Carrie Woolley: But are you still public safety when you're security or are you not?

[01:14:14]

Michael Kim: No, it's, it's under miscellaneous.

[01:14:16]

Carrie Woolley: Okay. That makes sense.

[01:14:18]

Michael Kim: So yeah, I, I was working with, I was working there.

[01:14:22]

Carrie Woolley: Okay. I think that's all the questions I had for you.

[01:14:24]

Kevin Sherburne: Did you still want to, Thank you. Did you still want to take a little brief break?

[01:14:28]

Marie Masters: Yeah, I'll take a quick break.

[01:14:29]

Kevin Sherburne: Okay. I'm gonna turn off the recorder.

[01:14:31]

Marie Masters: Okay.

[01:14:31]

Kevin Sherburne: Uh, we're, I'm, I'm recording. So, we, we, uh, broke at 11:46, uh, and now it's 11:54. Um, uh, at, at your request, Marie, I wanted to give you a chance to confer with your client. And, and so we just, uh, now's the opportunity for either of you or one of you to give us, uh, any information that you think might, uh, be helpful to the case.

[01:14:55]

Michael Kim: Okay. Well, uh, I just, I just wanna say that I know I made a mistake.

[01:15:01]

Kevin Sherburne: Mm-hmm [affirmative].

[01:15:01]

Michael Kim: Uh, I, you know, I worked in the Sheriff's Department. I was a good employee. You know, I've never, I mean, the thing mistakes, I, I, I made a mistake. I'm living with the mistake I did. And I know, like, I read what you wrote, you know, think that, you know, you think that I was lying through the investigation or lying through, uh, this whole process of, uh, uh, getting hired here. But I just wanna let you know, I, I, besides the fact that I made that mistake, I haven't lied to anybody. I haven't lied to the department. Uh, my, my record has been clean. Uh, the depart, the, the background investigators, I told 'em everything that, uh,

I was truthful with them. 'cause you not gonna lie to a background investigator.

[01:15:48]

Michael Kim: They, uh, they know of me. Some of them know me. And, uh, I, I try to live my life the best I can. And, and, you know, and, and again, I never, uh, besides that one incident that happened in my whole career, I've never lied to anybody else. I never lied to the staff, never lied to my chief, uh, Matt Freeman. Uh, my character has always been, you know, people know me. Department is, I've, I'm always been straightforward. I tell the people what I need, I tell the truth. And, and this one mistake is, you know, uh, like I said, I love my job. You know, I hope, uh, through this, uh, process that, you know, I, I get a fair shot. And, uh, it's not what the newspaper says. And, and I appreciate you doing the investigation and talking to people. And some of, I mean, some of the people that you talked to, I, I read, I read your, uh, report and with, uh, with the lieutenant that works, Lieutenant, uh, Tiffany Martin, I, I'm not even sure if she knows what half the stuff that that happened between me.

[01:16:52]

Michael Kim: But, um, and the process of how the department works, I'm not sure if she knows that, 'cause as, as she starts saying that she had, they, they all had inputs in it. Most of the time. What I know how the department works is that there, there's no input. You just do a file and you send it to the, uh, chain of command. And I'm not sure if she, uh, know anything about she knows me at all. Okay. And the other thing is that, um, I ha - I guess we're going to, I'm gonna give you the sealed document, uh, of the, the sealed document on my court minutes. And I went, you know, I I'm not, I don't think you had this document. And I'm all, and I talked to my counsel and I'm like, I don't have anything to hide. And throughout, you know, like everyone knows what happens in the papers and there's some people that knows exactly what happened and some people don't.

[01:17:47]

Michael Kim: Do I feel bad? Yes. I feel horrible. If I knew the things that Andy was doing, I would've never even talked to him. I'll probably put, I would probably put him in jail, you know? And he likes to boast about everything that he knew with me. Like, I don't see him that often, but only like, like birthdays and so on. And even when he said that, that I got a free pass from the car accident. Okay. We

all know CHP doesn't give you any, any passes for, uh, being, uh, a DUI. Okay. And he's out there telling everybody, I got a free passes 'cause I'm a cop. No, we get, we don't even get free passes. So, things that he says is, most of the time he's always bragging about people. And I didn't know that he did all of that stuff. And I was, I was in shock when I, when I read, not the newspaper, but what the, what the court says.

[01:18:42]

Michael Kim: So, and I, I don't associate with him. I haven't spoken with him since the incident. And I, I just, just wanna let you let you know that, uh, you know, I don't, I don't talk to that guy. He ruined my career. And now, you know, after 10 years away from him, I'm going back in and now he might ruin. And that, that incident might ruin my career again. And I might not be having a job for the future or anywhere else. So this, this is a, I mean, it's life changing for me. This is another event that's happening from, uh, from 10 years. Was it 10 years ago when I was convicted, when I plead guilty in front of a judge. And I thought that was, uh, behind me now. So I, you know, I mean, everything that I have now is, I'm just, you know, it's, it's up to you guys to decide if you're gonna go take my license away.

[01:19:37]

Michael Kim: And I, I would, I would like to keep my license, uh, uh, if what, if you can, I would, I would like to work in the department. You have recommendations from the Sheriff to say he knows my character and you can always call him and verify did if you wrote the letter or not. There's, I mean, it was about, it wouldn't, if I wrote that letter and it was false, I, I would be in jail for falsifying records. Again, on the background investigation, when these guys are, they're supposed to do a thorough investigation. So, I think that's all I have to say. Not -

[01:20:14]

Carrie Woolley: Thank you.

[01:20:14]

Michael Kim: You know.

[01:20:17]

Marie Masters: Um, just one quick follow up question. I realize I, I had left out earlier. And then, um, this is the, the, um, record mentions just the, the AUSA sentencing memo.

[01:20:28]

Michael Kim: Oh, okay.

[01:20:29]

Marie Masters: Um, when you, um, initially provided the, the declaration, that's kind of the, the subject matter of, of this whole thing, um, can you describe what the contact was like with Andy Li's attorney who was requesting it?

[01:20:50]

Michael Kim: They would not stop calling me. They were asking me, uh, calling me, hey, can you do this? Can you do this? Can you write this? Can you read this? Can you, I need this right now. And this is me coming, working 16 hours and coming home from, from work and driving. So, they're like in the house in the, and the other, I guess the last time they called, I need it right now. We're gonna court. I need you to sign it. So it's seemed like I didn't have a chance to think about it. It was just, they're just badgering me and they're saying, hey, they're, you know, if, if you don't sign this, he's not, he's gonna be in jail.

[01:21:23]

Marie Masters: Um, do you remember one way or another if you typed the declaration, his attorney reviewed it and you signed it? Or if they typed it out and you signed it?

[01:21:34]

Michael Kim: They typed it. They asked me, you know, they, they, I was driving home and they called me and I said, you know, is this your vest was yours? I was like, yes, it's my vest. Well, they're, the feds are saying, you know, it's, it's, uh, Andy's vest and he, and so we want to know if it's your vest, do you want it back? I'm like, yeah, of course I want my vest back. So, the reason I gave him the vest was because he told me that he was, uh, going to get a security job as a bouncer. His friend was giving, give him a job as a bouncer to some of the clubs down here. Anyone, if I get a vest, I would've never gave him a vest if I, uh,

didn't know that, if I knew what he was doing, I would've never gave him a vest.

[01:22:21]

Michael Kim: If he, if he told me he was doing security and, uh, without any guard card. So, he ended up getting a guard card that he told me he had a guard card 'cause he's trying to change his life around. And, and now he's going to do security. And he was, uh, he was working at, at a security guard. So, he, he asked if I could have a vest. I said, I have, I have two vests at home, that's department vest. So, I let him use it. I said, hey, don't give it to anybody. Don't use this for you while you are working as security guard. Once you're done, I want the vest back. And, uh, I didn't do a follow up on that. And next thing I know, uh, uh, he was, uh, uh, the house got raided and, and the attorney kept on calling me to make sure I signed the paperwork.

[01:23:04]

Marie Masters: Okay.

[01:23:05]

Carrie Woolley: Can I ask a question?

[01:23:06]

Michael Kim: Yes.

[01:23:07]

Carrie Woolley: Why didn't he buy his own vest? Was there something special about the vest you had?

[01:23:13]

Michael Kim: No, it's my, my vest was a, it's a, it's a vest. It's not an outside. Now everyone use an outside carrier. It's not that, it's just a regular, like 15-year-old vest that's outdated.

[01:23:26]

Carrie Woolley: Okay.

[01:23:26]

Michael Kim: That we have that I, I had two of them. I -

[01:23:29]

Carrie Woolley: So, did it stop like a higher caliber bullet or anything? Okay.

[01:23:34]

Marie Masters: But it was a, it was a vest, not like a plate carrier?

[01:23:36]

Michael Kim: No, it was just a regular vest that you wear underneath your uniform. It's the level was three A or something like that. It, it, it doesn't stop high caliber. It only probably nines and 45s or something like that. It's a regular department issued vest with no logos. It doesn't, it's a, it's, I think it was either blue or black carrier. It's about that thin.

[01:23:57]

Carrie Woolley: So, would he have been able to buy that vest on the, on the market?

[01:24:01]

Michael Kim: I, I, I, I'm, I'm assuming that you can buy it.

[01:24:04]

Carrie Woolley: Okay.

[01:24:05]

Michael Kim: But I, I'm not if, if he had to buy it, I don't think he wanted to. I'm not sure. But Mike, I'm thinking that he didn't wanna spend like a thousand dollars on a vest.

[01:24:13]

Carrie Woolley: Oh, they're expensive. Okay.

[01:24:15]

Michael Kim: Yeah. I'm, I'm, I'm not sure. I think there are a thousand dollars or, uh, they might be lower now. This was like 10 years ago, so I don't know. It didn't have any special markings or didn't have play care like the, the, the law enforcement wears now. It was just.

[01:24:27]

Carrie Woolley: Right.

[01:24:27]

Michael Kim: It was just regular that when you wear it, you can't, to who's wearing it's, it, it's like, it's just a lot thicker. You can see it in the back.

[01:24:33]

Carrie Woolley: Mm-hmm [affirmative].

[01:24:34]

Michael Kim: If you're wearing a shirt and stuff.

[01:24:36]

Carrie Woolley: Mm-hmm [affirmative].

[01:24:36]

Michael Kim: Or, or a jacket. You can actually see the outline of it.

[01:24:38]

Carrie Woolley: Right.

[01:24:39]

Michael Kim: If you're doing security. Yes.

[01:24:41]

Carrie Woolley: Okay.

[01:24:42]

Michael Kim: So.

[01:24:44]

Carrie Woolley: Okay.

[01:24:45]

Kevin Sherburne: Do you have anything else for me?

[01:24:47]

Marie Masters: No, I don't.

[01:24:47]

Kevin Sherburne: Okay. Thank you for your time today. Uh, it's 12:04 PM and that concludes the interview.

[01:24:52]

Michael Kim: Okay.