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FEDERAL BUREAU OF INVESTIGATION

Date of entry 01/27/2015

Michael Kim, date of birth [redacted], was interviewed at the United States' Attorney's Office, located at 450 Golden Gate Avenue, 9th Floor, San Francisco, California 94102. Present at the interview was Kim, Kim's defense attorney Jonathan McDougall, a private investigator with McDougall's firm, Assistant United States' Attorney William Frentzen, and Federal Bureau of Investigation Special Agents Emmanuel V. Pascua, Tseng H. Chow, and Maya N. Clark. Prior to beginning the interview, Frentzen, McDougall, and Kim reviewed the proffer agreement and signed it. After being advised of the identity of the interviewing agents and the nature of the interview, Kim provided the following information:

Kim initially apologized for lying to the agents during the first interview (FD-302 drafted on August 20, 2014). Kim said he should have told the truth from the beginning. Kim said Andy Li (hereafter "Li") had gotten a job as a bouncer for a club. Li asked Kim if Li could borrow a vest. Kim had two vests, so Kim gave one to Li. Kim told Li not to give it to anyone else because it was his department issued vest and to give it back to Kim when Li no longer needed it. Li still had the vest when he was arrested.

When Kim heard Li had been arrested, Kim asked Mimi Li (hereafter "Mimi") about the whereabouts of Kim's vest. Mimi told Kim that Kim's vest was found in her car. Mimi said the FBI took the vest, but since it was found in her car, it had nothing to do with Li's case. Li's attorney called Kim and asked Kim whether it was his vest. Kim said it was. There were no markings on the vest to identify it as either Kim's vest or as property of the San Francisco Sheriff's Department, but Kim admitted it was his vest.

Li's attorney called Kim a second time. This time, Kim was driving when she called. Again, the attorney, whom Kim knew as Vanessa, asked about the vest. Kim made up the story about leaving the vest at Mimi's salon while

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he was driving and while he was on the telephone with Vanessa. Kim said it was not a well-thought out story; for instance, he was not able to tell agents with whom he was drinking that day, because he had not thought out these details. Vanessa told Kim that she would write up Kim's explanation about the vest. However, then Kim did not hear from her for awhile.

Kim believed Li asked to borrow Kim's vest around the beginning of 2014. Li knew a person named Rodrigo RUIZ (hereafter "Rodrigo"), who worked in security at California Pacific Medical Center (CPMC) and also as a bouncer. Rodrigo was unable to get Li a job with CPMC, because Li lied on his job application, so Rodrigo helped Li get a job as a bouncer. Kim was also trying to help Li get a job as a security guard through Danny Gonzalez who is the owner of Execushield. Li was in the process of this application process when he was arrested.

The next time Kim heard from Vanessa, it was right before Li's detention hearing. Kim got a telephone call from Vanessa asking Kim to sign the declaration as soon as possible. Vanessa emailed it to Kim and asked him to look it over. Kim did, but he did not think much about it. Vanessa called Kim again and told Kim she needed the declaration back that day. So Kim signed it and sent it back.

Kim said it was his idea to come up with a story about the vest. It was not Mimi's; it was not Li's. Kim had not spoken to Li since Li's arrest. The day before the FBI interviewed Kim, Kim had dinner with Mimi, Caesar Marabuto (aka "Auggie," herafter "Auggie"), and Auggie's wife. At that time, Kim told Mimi about Kim's story he invented about forgetting the vest at Mimi's salon.

Kim knew Li was growing marijuana and knew Li was having dinner with Raymond Chow (aka "Shrimp Boy," hereafter "Chow").

At this point in the interview, it was pointed out to Kim that his declaration and Mimi's declaration had been filed with the court before the dinner when Kim described telling Mimi about the vest. Kim was told that since his and Mimi's declarations matched, Kim and Mimi must have discussed the circumstances surrounding the vest prior to the dinner.

Kim recalled hearing Li had been arrested and immediately thinking about Kim's vest. Kim believed he heard about Li's arrest from Auggie. Kim spoke about his vest with Auggie, and he told Auggie he needed to get his vest back.

Kim did not have Mimi's telephone number. However, Kim recalled Mimi coming to Kim's house for dinner within a week or two of Li's arrest. Mimi was panicked and was asking for help. Mimi needed money, needed help with

child care, and she wanted to know if Kim would be willing to put up his house for Li's bond. Kim asked Mimi about the vest. Mimi told Kim the vest was found in Mimi's car, so Mimi said it was her vest. Kim told Mimi that Kim would be in "big trouble" if Kim did not get the vest back. Mimi said she would talk with Li's attorney. Kim believed he fabricated story of the vest at this time, and discussed it with Mimi. Kim did not remember discussing the story with his wife at this time. Kim told Mimi the story about forgetting the vest in the hopes that Mimi would speak with Li's attorney. Kim hoped this would get his vest back. He also hoped this would mean Kim's vest would not be used in considering whether Li should be granted bail.

When Vanessa asked Kim about the vest, Kim went with the story he had already told Mimi. Vanessa said she would type it up and go to court. Vanessa also asked Kim if he knew anyone who would write character letters for Li.

After being interviewed by the FBI, Kim spoke with his wife. Kim told his wife the story he had told the FBI. Kim's wife was angry, but she also stuck with the story when she was subsequently interviewed.

Kim had not spoken with Li after his arrest. When it was pointed out that there was a jail recording of a telephone call with Kim speaking to Li during a time when Mimi was with Kim and Mimi handed the phone to Kim. Kim recanted his statement that he has not talked to Li after his arrest. Kim stated he may have spoken to Li briefly, but he did not specifically recall.

Kim next discussed the car accident in which both he and Li were involved. Kim said he, Li, and Auggie had been trying to find time to get together to celebrate Li's birthday. They finally found time in November. They started at a bar on 7th and Bryant called Rumors and then went to a strip club on Broadway. They stayed until about 1:30 a.m. Kim had had a couple of drinks, but Auggie and Li were hammered. Kim drove home and dropped Auggie off at home. Kim said it was raining, and he fishtailed and ended up flipping the car.

Kim called 911. California Highway Patrol arrived and gave Kim the driving-while-intoxicated test a couple of times. So did a second CHP officer. A union representative from the Sheriff's Department also arrived at the accident. The union representative said that there was no report needed, because CHP was classifying the incident as an accident. Kim did not ask any of the CHP officers for any favors, nor did they extend him any favors.

Kim and Li were taken to the hospital in separate ambulances. They were

placed in the same Emergency Room. Police officers spoke with Kim, Li, and a witness to the accident. Kim did not recall if Li had any identification. Kim also did not recall if anyone investigated Li's background. Kim believed Li was just treated as a passenger in the car.

Kim did not know why Li would think that Kim had received favors from CHP. Kim said Li liked to brag.

Kim met Li in 9th grade through sports. They were the same age and both attended Lincoln High School. Li was always in trouble. Li was involved in cutting school, sports betting, breaking into vehicles, and selling stolen goods. During junior year, Li attended a different high school. Li and Kim stayed in touch, hanging out together on weekends. Kim knew that Li continued to be involved with vehicle break-ins. Kim did not participate in these activities, because Kim was working in his parents' restaurant all the time. Kim mentioned his parents sold the restaurant which was previously located on Irving Street between 22nd and 23rd Street in San Francisco, CA. Kim and Li did drink when they were together, and they would get into fights. Li would smoke marijuana and would try to get Kim to do so as well. However, Kim would not do so.

During Kim's senior year of high school, Kim was targeted by kids in Asian gangs in Chinatown and in the Tenderloin. Kim would get involved in numerous fights. The school, coaches, the principal, and the School Resource Officer all got involved. Kim said the people that targeted him were Vietnamese and Chinese. Some eventually became involved with the Jackson Street Boys, Lam Boys and the Washington Street gang but Kim did not know if they belonged to these gangs at the time Kim was targeted.

Even after the involvement of school personnel, Kim and Li continued to get jumped. Kim heard rumors that the people jumping him were long-time gangsters, and Kim began to get scared. Li's father knew a lot of people and he spoke to some unidentified people to try and make the fights stop. Li's father said the guy wanted $5,000. Kim's sister gave Kim $5,000, and Kim gave the money to Li's father. Kim's sister was older than Kim, and Kim did not know where she got the money. Kim assumed it was from a credit card.

Li's father took Kim and Li to Lehore restaurant. They met a number of Chinese people, including Raymond Chow for the first time. Kim assumed Li's father paid someone the money. After that, the harassment stopped. A couple of months later, Kim heard that Li was running with Chow.

Kim continued to hang out with Li quite often. Therefore, Kim would also see Chow. Kim did not do anything with Chow. However, Kim would accompany Li to collect money for debts from individuals at casinos such as

Artichoke Joes or Lucky Chances. On a couple of occasions, Li gave Kim some of the money from these collections. It would typically be about a couple hundred dollars. Kim did not know who Li was collecting for, but Kim assumed it was for Chow. These collections were always cordial. No one ever refused to pay. There was never any violence to force someone to pay. Kim never saw Li with a weapon.

Kim agreed that others would say that Kim was part of Chow's crew. When Chow saw Kim, Chow would give Kim a hug or a handshake. They would engage in small talk. However, Kim and Chow were never alone. They only saw each other at restaurants.

During this time period, Li claimed to be associated with the Hop Sing Tong Association. Kim had been to the Hop Sing Tong Association building located in San Francisco Chinatown with Li approximately 10 times. Kim would hang out for awhile, then would leave with Li. Kim did not participate in any Triad ceremony or oaths. Kim did not see Li participate in any Triad ceremonies either. While Kim and Li were at the Association, Kim would observe Li speaking with Chow. However, Kim did not notice any pattern between Li and Chow speaking and the collections Li and Kim were handling. Kim said Chow would give Li money once in a while.

Kim and Li continued this relationship for approximately five to six years, until Li went to prison. Li was Kim's only connection to Chow, so once Li went to prison, Kim fell out of touch with Chow. At that time, Kim attended the Sheriff's Academy and became a Sheriff's Deputy. When Li was released from prison, he did some community work. However, he was caught with stolen computers, and Li went back to jail. After Li got out the second time, Li continued to hang out with Chow. However, Kim did not know that Li was "running with" Chow again.

At one point, Li went to Los Angeles. Kim encouraged Li to stay there, away from the trouble in San Francisco. However, Li came back to San Francisco. After Li did so, Kim heard that Li and Chow got into a fight.

Kim went to a birthday dinner for Li. Approximately 20-30 people were there, including Joe Chanthavong and Chow. Kim did not know the others. Kim only stayed for dinner. Kim did not go to the clubs afterwards.

Kim did not know what Li did to earn money once Li returned from Los Angeles. Li told Kim that Li had a permit to grow marijuana plants. Li told Kim he had 99 plants growing in his home. Kim did not care about Li's involvement with marijuana. Kim assumed Li also had other side jobs and that Mimi was making money with her salon.

Kim never saw any marijuana grown at Li's house. After Li returned from

Los Angeles, Li lived in Daly City. Kim never saw any marijuana at that house. Li just showed Kim the permit. Li said he would make 80-90 with each batch of marijuana. Kim did not ask Li to whom he sold the marijuana. Li told Kim that Joe was also growing marijuana and that Joe had been arrested.

Li had shown Kim guns while they were in high school, but Kim had not seen Li with any weapons since Kim became a Sheriff's Deputy. Kim did not see Li with a gun while Li was collecting money from casinos.

Kim said that Li and Auggie were closer than Li and Kim were. Kim described Li and Auggie as being "tight." Kim knew Auggie and Li spent a lot of time together and often drank together. Auggie and Kim had discussed Li's arrest. Kim also knew that Li had gone to Auggie for advice when Li got into a fight with Chow.

Kim said the fight happened when Li and Chow were together drinking at a club. Li wanted Chow to admit that Chow had sent Li to burn down a house, but Chow would not admit it. Li became angry and hit Chow. Li then became scared. Kim told Li to be careful, because Chow was a big-time gangster. This fight happened late 2013. Li asked Kim for his vest approximately one month after the fight.

Li never talked to Kim about doing business with anyone related to the mob or the east coast. Li did introduce Kim to a light-skinned man from New Jersey at a club.

Kim had never used his access as a Sheriff's Deputy to run any person that Kim should not be running. Kim did not know if Auggie had. Li did ask Kim to run a license plate for Li. Li said something to the effect of "I'm looking for this guy." Kim refused to run the plate for Li. Kim believed this conversation happened at the end of 2013.

Li had also asked Kim if certain people were in jail. If the information was public, Kim would tell Li. Li asked about a couple of Chinese names. Kim did not recall which names. Kim thought Li asked about these names in 2013. Kim looked up the names for Li either through a computer program or by calling the law enforcement line - 425. Li would only say these names were that of a friend, and Li had not seen them, so Li was wondering if they were in jail. Kim did not ask who these people were.

Kim and Auggie had never discussed Li asking Kim for favors. Auggie went into the Navy after high school. He would come back on the weekends, drink, and hang out, but Auggie would not be around otherwise. Auggie did meet Chow during these weekends. Auggie and Li were tighter in high school than Kim and Li were. Auggie and Li would break into vehicles together.

Auggie never collected any money from casinos with Li and Kim. Kim said Auggie was not a part of the Hop Sing Tong Association.

Li told Kim that Li sold steroids to cops at a gym. Kim and Auggie never bought any steroids from Li. Kim did not know any specifics about items being smuggled into jail, and Auggie had never mentioned anything about smuggling to Kim.