RLS RAINS LUCIA STERN
ST. PHALLE & SILVER, PC

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March 10, 2026

VIA EMAIL [SB2@POST.CA.GOV] FIRST-CLASS MAIL

Brian South, Bureau Chief
Commission on POST
Peace Officer Standards and Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1603

Re: Revocation Proceedings – Kevin Smithmatungol
Case Numbers – POST2505112, POST2505137 and POST2505140

Dear Mr. South:

I represent Kevin Smithmatungol in all matters related to the proposed revocation or suspension of his peace officer certification, as described in your letter dated February 17, 2026. Mr. Smithmatungol's Request for Review of Peace Officer Certification (POST Form 2-359) is attached. I have signed the form on behalf of Mr. Smithmatungol to ensure it is received by the filing deadline of March 17, 2026. Please let me know if you need Mr. Smithmatungol's personal signature.

Mr. Smithmatungol is deeply and sincerely remorseful for his actions, which ended his childhood dream of pursuing a career in law enforcement, starting as a 17-year-old Police Explorer in Southern California. His brother is a police sergeant, and law enforcement is a family tradition. Mr. Smithmatungol holds a Bachelor's Degree in Criminal Justice and graduated at the top of his class from the Contra Costa County Sheriff's Academy.

When these incidents occurred, Mr. Smithmatungol was going through a serious family trauma. [redacted] He was overwhelmed by multiple 16-hour workdays with little rest between shifts. He has repeatedly apologized to the Department for his actions.

Mr. Smithmatungol's behavior was completely inconsistent with his prior honorable service and did not negatively impact community safety, nor did it directly harm any members of the public. In fact, Mr. Smithmatungol was allowed to perform his regular Police Department duties for months after his misconduct was discovered, investigated, and reported to the Department's command staff.

Mr. Smithmatungol is willing to accept any length of suspension that will allow him to regain his peace officer status in the future. Since leaving the Daly City Police Department, Mr. Smithmatungol has become a certified Emergency Medical Technician and is now working toward certification as a nursing assistant, showing his dedication to helping the community and local residents.

Please contact me if you require any further information at this time.

Very truly yours,

RAINS LUCIA STERN
ST. PHALLE & SILVER, PC

Robert W. Nichelini

State of California – Department of Justice
REQUEST FOR REVIEW OF PEACE OFFICER CERTIFICATION
POST 2-359 (03/2023)

Submit to: Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

The request for review must be received by the division or postmarked within 30 days of the latest date of mailing of the notice of intent to revoke. This form must be submitted by mail, email, or hand delivery to the Commission on Peace Officer Standards and Training. Email submissions shall be sent to *SB2@post.ca.gov*.

Peace Officer Information *(required section)*

Name
Kevin Smithmatungol

Address
[redacted]

Contact Phone
[redacted]

Email
[redacted]

POST ID#
C88-Y32

Employing agency at time of action
Daly City Police Department

POST Case#
POST2505112 POST2505137 POST2505140

Appellant Representation *(required section)*

You may represent yourself or be represented by a representative of your choosing.

I choose to:

☐ Represent myself

☑ Designate the following representative to act on my behalf during the course of this review.

Name	Phone
Robert W. Nichelini, Attorney at Law	925 609-1699
Address	**Email**
2300 Contra Costa Blvd., Suite 500, Pleasant Hill, CA 94523	rnichelini@rlslawyers.com

Signature *(required section)*

By signing this form, you are requesting a hearing to determine if reasonable grounds for suspension or revocation exists based on clear and convincing evidence and affirming that the information you provided is true and correct.

Peace Officer Signature	Date
By [signature]	3/10/2026

ROBERT W. NICHELINI
ON BEHALF OF
KEVIN SMITHMATUNGOL