

# Exhibit A

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13  
14

15 UNITED STATES OF AMERICA, ) NO. FLORENCE KONG  
16 Plaintiff, ) PLEA AGREEMENT  
17 v. )  
18 FLORENCE KONG, )  
19 Defendant. )

20  
21 I, FLORENCE KONG, and the United States Attorney’s Office for the Northern District of  
22 California (hereafter “the government”) enter into this written Plea Agreement (the “Agreement”)  
23 pursuant to Rule 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal Procedure:

24 The Defendant’s Promises

25 1. I agree to plead guilty Count One of the captioned Information charging me with Theft or  
26 Bribery Concerning Programs Receiving Federal Funds, in violation of 18 U.S.C. § 666(a)(2), and to  
27 Count Two of the captioned Information charging me with False Statements to a Government Agency,  
28 in violation of 18 U.S.C. § 1001(a)(2).

1 I agree that the elements of Bribery (Count One) are: (1) a person was an agent of an  
2 organization, a state, local or tribal government, or an agency of a state, local, or tribal government; (2)  
3 the organization, state or local government received federal assistance in excess of \$10,000 in a one-year  
4 period, (3) the one-year period of federal assistance was within twelve months before or after the  
5 commission of the offense; (4) I gave, offered, or agreed to give a thing of value to any person; (5) I  
6 intended to influence or reward the agent of the organization or agency in connection with a transaction  
7 or series of transactions of the organization or agency that involved \$5,000 or more, and; (6) I acted  
8 corruptly.

9 I agree that the elements of False Statement to a Government Agency (Count Two) are: (1) I  
10 made a false statement, (2) the statement was made in a matter within the jurisdiction of the Federal  
11 Bureau of Investigation (FBI), (3) I acted willfully; that is, I acted deliberately and with knowledge both  
12 that the statement was untrue and that my conduct was unlawful; and, (4) the statement was material to  
13 the activities or decisions of the FBI; that is, it had a natural tendency to influence, or was capable of  
14 influencing, the agency's decisions or activities.

15 I agree that the maximum penalties for Bribery are as follows:

- |    |                                    |                         |
|----|------------------------------------|-------------------------|
| 16 | a. Maximum prison term             | 10 years                |
| 17 | b. Maximum fine                    | \$ 250,000              |
| 18 | c. Restitution                     |                         |
| 19 | d. Maximum supervised release term | 3 years                 |
| 20 | e. Mandatory special assessment    | \$100 per felony count; |
| 21 |                                    |                         |

22 I agree that the maximum penalties for False Statements are as follows:

- |    |                                    |                         |
|----|------------------------------------|-------------------------|
| 23 | f. Maximum prison term             | 5 years                 |
| 24 | g. Maximum fine                    | \$ 250,000              |
| 25 | h. Restitution                     |                         |
| 26 | i. Maximum supervised release term | 3 years                 |
| 27 | j. Mandatory special assessment    | \$100 per felony count; |
| 28 |                                    |                         |

1 I understand that I am pleading guilty to multiple violations and that the Court may order that  
2 my sentence for each violation run consecutively.

3 I acknowledge that it is virtually certain that pleading guilty will have consequences with respect  
4 to my immigration status if I am not a natural born citizen of the United States. Under federal law, a  
5 broad range of crimes are removable offenses, including the offenses to which I am pleading guilty.  
6 Removal and other immigration consequences are the subject of a separate proceeding, however, and I  
7 understand that no one, including my attorney or the district court, can predict to a certainty the effect of  
8 this conviction on my immigration status. I nevertheless affirm that I want to plead guilty regardless of  
9 any immigration consequences that may result from my guilty pleas, even if the consequence is my  
10 automatic removal from the United States. I also acknowledge that there are no identical or  
11 substantially similar charges to non-removable offenses to which the government would agree.

12 2. I agree that I am guilty of the offenses to which I am pleading guilty, and I agree that the  
13 following facts are true: On or about December 9, 2019, I purchased a Rolex model 228238 40mm gold  
14 watch, worth approximately \$36,550, in Hong Kong that I gave to Mohammed Nuru, then the director of  
15 the San Francisco Public Works.

16 As the director of the San Francisco Public Works, also known as the Department of Public  
17 Works ("DPW") of the City and County of San Francisco ("the City"), Nuru had great influence over  
18 City business, public contracts and permits, and the directing the expenditures of DPW funds to  
19 contractors and others. Nuru's power and influence extended not only to contracts and business with  
20 DPW, but also with numerous other City departments and agencies. I believed Nuru to be one of the  
21 most powerful public officials in the City, and I believed that he wielded tremendous power and  
22 influence over City business, permitting, and other City government approvals.

23 I gave Nuru the Rolex watch in exchange for Nuru's past and future official actions benefitting  
24 my businesses, including as a reward for Nuru's influence at DPW directing business to SFR Recovery  
25 Inc., a recycling plant I owned that had a contract with the City to dispose of construction debris. I  
26 further provided the Rolex watch to Nuru corruptly, knowing and intending it to be an illegal gift to him  
27 in return for his official actions on my behalf. At the time I gave him the watch, the City of San  
28 Francisco had received in excess of \$10,000 in federal assistance during the prior one-year period.

1 As to Count Two (False Statements), on March 4, 2020, I was interviewed by agents of the  
2 Federal Bureau of Investigation. During this interview, I knowingly made multiple false statements to  
3 the FBI, including: (1) that Nuru and I were friends but that we did not discuss business; (2) that Nuru  
4 did not help me with contracts, whether those contracts were directly with the City, or as a subcontractor  
5 for a City contract; (3) that Nuru did not extend any contract application deadlines for contracts I  
6 wanted; (4) that I did not talk to Nuru about the construction debris contract my company had with the  
7 City; and, (5) that I never gave Nuru money.

8 At the time I made these false statements, I acted deliberately and with knowledge both that the  
9 statements were untrue and that my conduct was unlawful. Further, I knew that the statements were  
10 material to the activities and decisions of the FBI; that is, the statements had a natural tendency to  
11 influence, or were capable of influencing, the agency's decisions or activities.

12 3. I agree to give up all rights that I would have if I chose to proceed to trial, including the  
13 rights to a jury trial with the assistance of an attorney; to confront and cross-examine government  
14 witnesses; to remain silent or testify; to move to suppress evidence or raise any other Fourth or Fifth  
15 Amendment claims; to any further discovery from the government; and to pursue any affirmative  
16 defenses and present evidence.

17 4. I agree to give up my right to appeal my conviction, including constitutional challenges  
18 to the statutes of conviction. I agree to give up my right to appeal the judgment and all orders of the  
19 Court. I also agree to give up my right to appeal any aspect of my sentence, including any orders  
20 relating to forfeiture and/or restitution, reserving only my right to claim that my sentence violated this  
21 plea agreement, applicable law, or the Constitution. I reserve my right to claim that my counsel was  
22 ineffective. I understand that this waiver includes, but is not limited to, any and all constitutional or  
23 legal challenges to my convictions and guilty pleas, including arguments that the statutes to which I am  
24 pleading guilty are unconstitutional, and any and all claims that the statement of facts provided herein is  
25 insufficient to support my pleas of guilty.

26 5. I agree not to file any collateral attack on my convictions or sentence, including a petition  
27 under 28 U.S.C. § 2255 or 28 U.S.C. § 2241, except that I reserve my right to claim that my counsel was  
28 ineffective.

1           6. I agree not to ask the Court to withdraw my guilty pleas at any time after they are  
 2 entered. In the event I violate any of the terms of the Agreement, I agree that the facts set forth in  
 3 Paragraph 2 of this Agreement and, if applicable, the fact that I made a sworn admission to them in a  
 4 previous court proceeding, shall be admissible against me in any subsequent proceeding, including at  
 5 trial. In any subsequent proceeding conducted after I violate any of the terms of the Agreement, I  
 6 expressly waive any and all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 with regard to the  
 7 facts set forth in Paragraph 2 of the Agreement and, if applicable, the fact that I made a sworn admission  
 8 to them at a previous court proceeding.

9           7. I understand that the Court must consult the United States Sentencing Guidelines and  
 10 take them into account when sentencing, together with the factors set forth in 18 U.S.C. § 3553(a). I  
 11 also understand that the Court is not bound by the Guidelines calculations below; the Court may  
 12 conclude that a higher Guidelines range applies to me, and, if it does, I will not be entitled, nor will I  
 13 ask, to withdraw my guilty pleas. I further agree that regardless of the sentence that the Court imposes  
 14 on me, I will not be entitled, nor will I ask, to withdraw my guilty pleas. I agree that the Sentencing  
 15 Guidelines offense level should be calculated as set forth below, and that I will not request a downward  
 16 departure under the Sentencing Guidelines from that offense level, although I reserve the right to seek a  
 17 downward variance based on the factors set forth in 18 U.S.C. § 3553(a). I understand that the  
 18 government is free to oppose any such request.

19           The parties have reached no agreement regarding my Criminal History Category.

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|----|--|-----|
| 20 | a. Base Offense Level, U.S.S.G. §2C1.1(a)(2):                              | 12  |
| 21 | b. Specific offense characteristics under U.S.S.G. Ch. 2                   |     |
| 22 | The value of the payments or benefits received was more than               |     |
| 23 | \$15,000; U.S.S.G. §2C1.1(b)(2); U.S.S.G. §2B1.1(b)(1)(C)                  | +4  |
| 24 | The offense involved a public official in a high-level or sensitive        |     |
| 25 | decision-making position. U.S.S.G. §2C1.1(b)(3)                            | +4  |
| 26 | c. Acceptance of Responsibility:   | - 3 |
| 27 | If I meet the requirements of U.S.S.G. § 3E1.1, I may be entitled to a     |     |
| 28 | three-level reduction for acceptance of responsibility, provided that I    |     |
|    | forthrightly admit my guilt, cooperate with the Court and the Probation    |     |
|    | Office in any presentence investigation ordered by the Court, and continue |     |
|    | to manifest an acceptance of responsibility through and including the time |     |

1 of sentencing.

2 d. Adjusted Offense Level: 17

3 8. I agree that regardless of any other provision of this Agreement, the government may and  
4 will provide the Court and the Probation Office with all information relevant to the charged offenses and  
5 the sentencing decision, including Victim Impact Statements. I agree that, based on the nature of the  
6 offenses the Court should impose the following special condition of supervised release which is  
7 reasonably related to deterrence and rehabilitation:

8 Special Condition (Searches)

9 The defendant shall submit her person, residence, office, vehicle, electronic devices and  
10 their data (including cell phones, computers, and electronic storage media), and any  
11 property under defendant's control to a search. Such a search shall be conducted by a  
12 United States Probation Officer or any federal, state, or local law enforcement officer at  
any time, with or without suspicion. Failure to submit to such a search may be grounds  
for revocation; the defendant shall warn any residents that the premises may be subject to  
searches.

13 9. I agree that I will make a good-faith effort to pay any fine, forfeiture, or restitution I am  
14 ordered to pay. I agree to pay the special assessment at the time of sentencing.

15 I agree to pay full restitution for all losses caused by all the schemes or offenses with which I  
16 was charged in this case, and I understand that the amount of restitution will not be limited to the loss  
17 attributable to the counts to which I am pleading guilty, pursuant to 18 U.S.C. § 3663(a)(3). I  
18 understand that the Court will not consider my economic circumstances in determining the restitution  
19 amount. I agree to pay restitution in an amount to be set by the Court at the time of sentencing.

20 Any restitution payments shall be paid through the Office of the Clerk of the District Court by  
21 bank or cashier's check or money order made payable to "Clerk, United States District Court." I  
22 understand that the restitution described above creates a lien in favor of the United States on all property  
23 and rights to property I may possess upon entry of judgment and continues for the later of 20 years from  
24 the entry of judgment or 20 years after release from imprisonment or until the debt is paid in full. I  
25 further understand that the government will record a notice of the lien in any county where I reside or  
26 have property. I further understand that this order of restitution cannot be discharged in bankruptcy and  
27 that if I default on the payment of a fine or restitution, the Court may revoke probation or a term of  
28 supervised release, modify the terms or conditions of probation or supervised release, resentence me,

1 hold me in contempt of court, order the sale of property, enter or adjust a payment schedule, or take any  
2 other action necessary to obtain compliance.

3       Within thirty days of the execution of this Plea Agreement, if asked by the Financial Litigation  
4 Unit ("FLU") of the United States Attorney's Office, I agree to complete, under penalty of perjury, a  
5 financial statement provided by the U.S. Attorney's Office and to update that statement with material  
6 changes within seven days of the change. I understand that I must identify all assets and financial  
7 interests valued at more than \$1,000. I further understand that these assets and financial interests  
8 include all assets and financial interests in which I have an interest, or in which I had an interest prior to  
9 March 4, 2020, direct or indirect, whether held in my own name or in the name of another, in any  
10 property, real or personal.

11       I agree to surrender assets I obtained as a result of my crimes, and release funds and property  
12 under my control in order to pay any fine, forfeiture, or restitution. I further agree to notify the FLU  
13 before transferring any interest in property owned directly or indirectly by me, including any interest  
14 held or owned under any other name or entity, including trusts, partnerships, and/or corporations. I also  
15 agree to notify the FLU of any interest in property I may obtain, directly or indirectly, which is valued at  
16 more than \$1,000, and which includes any interest obtained under any other name, or entity, including a  
17 trust, partnership, or corporation, after the execution of this Plea Agreement until the fine or restitution  
18 is paid in full.

19       I agree that any fine, forfeiture, or restitution imposed by the Court against me will be due  
20 immediately and subject to immediate enforcement by the government as authorized by 18 U.S.C.  
21 § 3613. I further understand that the government may seek immediate collection of the entire fine,  
22 forfeiture, or restitution from any assets without regard to any schedule of payments imposed by the  
23 Court or established by the Probation Office and that monetary penalties imposed by the Court will be  
24 submitted to the Treasury Offset Program so that any federal payment or transfer of returned property I  
25 receive may be offset and applied to federal debts.

26       10. I agree not to commit or attempt to commit any crimes before sentence is imposed or  
27 before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial release; not  
28 to intentionally provide false information to the Court, the Probation Office, Pretrial Services, or the



1 government; and not to fail to comply with any of the other promises I have made in this Agreement. I  
2 agree not to have any contact with any victims or witnesses in this case, either directly or indirectly,  
3 before and after I am sentenced. This includes, but is not limited to, personal contact, telephone, mail,  
4 or electronic mail contact, or any other written form of communication, and includes any harassing,  
5 annoying, or intimidating conduct by me directed to any victims or witnesses. I agree that the Court  
6 may also include this no-contact provision as a condition of my supervised release term. I agree that if I  
7 fail to comply with any promises I have made in this Agreement, then the government will be released  
8 from all of its promises in this Agreement, including those set forth in The Government's Promises  
9 Section below, but I will not be released from my guilty pleas.

10 11. I agree that this Agreement contains all of the promises and agreements between the  
11 government and me, and I will not claim otherwise in the future. No modification of this Agreement  
12 shall be effective unless it is in writing and signed by all parties.

13 12. I agree that the Agreement binds the U.S. Attorney's Office for the Northern District of  
14 California only, and does not bind any other federal, state, or local agency.

15 The Government's Promises

16 13. The government agrees not to file any additional charges against the defendant that could  
17 be filed as a result of the investigation that led to the captioned Information.

18 14. The government agrees to recommend a sentence of no more than 18 months unless the  
19 defendant violates the terms of the Agreement above or fails to accept responsibility.

20 The Defendant's Affirmations

21 15. I confirm that I have had adequate time to discuss this case, the evidence, and the  
22 Agreement with my attorney and that my attorney has provided me with all the legal advice that I  
23 requested.

24 16. I confirm that while I considered signing this Agreement, and at the time I signed it, I  
25 was not under the influence of any alcohol, drug, or medicine that would impair my ability to understand  
26 the Agreement.

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17. I confirm that my decision to enter guilty pleas is made knowing the charges that have been brought against me, any possible defenses, and the benefits and possible detriments of proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or threatened me to enter into this Agreement.


18. I confirm that I read this entire Plea Agreement with the assistance of a Cantonese language interpreter and in the presence of my attorney.

Dated: 9/17/2020

  
FLORENCE KONG  
Defendant

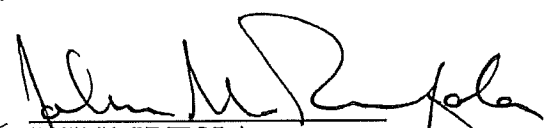
DAVID L. ANDERSON  
United States Attorney

Dated: 9/17/2020

  
DAVID J. WARD  
SCOTT D. JOINER  
Assistant United States Attorneys

1 19. I have fully explained to my client all the rights that a criminal defendant has and all the  
2 terms of this Agreement. In my opinion, my client understands all the terms of this Agreement and all  
3 the rights my client is giving up by pleading guilty, and, based on the information now known to me, my  
4 client's decision to plead guilty is knowing and voluntary.

5  
6 Dated: 9-17-20

  
JOHN RUNFOLA  
NAOMI CHUNG  
Attorneys for Defendant Florence KONG

7  
8  
9 INTERPRETER CERTIFICATION

10 I, Tom Lam, hereby certify that I am a certified Cantonese language interpreter and  
11 that I accurately translated this Agreement to the defendant.

12  
13 Dated: 9-17-2020

  
Interpreter's Signature

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