

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Oct 14 2020

APPEAL FROM CHARLESTON COUNTY

SC Court of Appeals

Court of Common Pleas

Hon. Mikell R. Scarborough, Master-In-Equity Judge

Appellate Case No. 2020-000029

(formerly 2017-CP-10-3705)

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Jun 11 2021

SC Court of Appeals

HO DONG LEE,

Appellant,

vs.

YONG WOOK PARK AND SUNNY KIM PARK,

Respondents.

RECORD ON APPEAL

Volume III of IV

s/Karen M. DeJong
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Jun 11 2021

SC Court of Appeals

EXHIBIT E

In The Matter Of:

Lee v.

Park



Robert Christopher Ulmer
March 6, 2019



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1 STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
2 COUNTY OF CHARLESTON) CASE NO. 2017-CP-10-3705
3
4

5 HO DONG LEE,)

6 Plaintiff,)

7 -versus-)

8 YONG WOOK PARK AND SUNNY KIM)
9 PARK,)

Defendants.)
10 -----
11
12

13 WITNESS: ROBERT CHRISTOPHER ULMER

14 DATE: Wednesday, March 6, 2019

15 TIME: 10:08 a.m.

16 LOCATION: DeJong Law Firm
17 222 West Coleman Boulevard
18 Suite 110
Mount Pleasant, South Carolina
29464-5652

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1 A No. That mainly came from I guess my
2 belief, and again, this is just my opinion, but my
3 belief that, you know, since Park and Sunny were in
4 a sense kind of running the businesses, you know,
5 for many, many years, dealing with those, that I did
6 not get the impression that Mr. Lee would want to
7 deal with a business in Columbia if he wasn't living
8 there, or didn't want to deal with a business that
9 he wasn't, you know, able to be a part of.

10 And so that's just purely my
11 opinion is to say that he, you know, wanted to
12 narrow down just to the one original restaurant
13 which they had first started, that, again, that
14 would be my opinion that that's what he would want
15 to do.

16 Q Okay. And so of the restaurants that were
17 in the Charleston area, was the financial
18 performance of Yokoso, Inc. the best amongst those
19 entities?

20 A I know for some years, yes, it was. I do
21 know that Yokoso of Summerville, when they
22 originally had started up, you know, was doing not
23 so well and it took some time, and then eventually
24 that started to turn around. But I can't tell you
25 what year that was without looking at the financial

1 But again, that doesn't mean that it was actually
2 filed then. As a matter of fact, I'm pretty
3 confident to say that those returns generally never
4 get filed before the due date. We're always on
5 extension, and they generally are filed by September
6 15th of the following year for that particular year.

7 Q All right. Let's move on to the next
8 company.

9 (Marked for identification was Plaintiff's
10 Exhibit 9.)

11 (Marked for identification was Plaintiff's
12 Exhibit 10.)

13 THE WITNESS: May I take a restroom
14 break?

15 MS. DeJONG: Sure.

16 (Recess.)

17 (Marked for identification was Plaintiff's
18 Exhibit 11.)

19 (Marked for identification was Plaintiff's
20 Exhibit 12.)

21 (Marked for identification was Plaintiff's
22 Exhibit 13.)

23 MS. DeJONG: Go back on the record.

24 BY MS. DeJONG:

25 Q Mr. Ulmer, Plaintiff Exhibit 8, which is

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1 the 2013 tax return for Yokoso, Inc., it's noted on
2 the K-1 there was a distribution of 132,424. How
3 would that money have gotten to Mr. Lee?

4 A Well, again, in general there would either
5 be checks written to him, it would be transfers that
6 may have been sent out of the bank account, or it
7 could be the differences, as I mentioned before,
8 concerning sales to deposits. So again, if the
9 deposits were shortened, which 132,000 is quite a
10 bit, but if deposits were shortened to where they
11 did not match the sales, then that difference there,
12 again, would have to be coded to a distribution
13 because there was no either expense presented to
14 make up for that difference or any sort of
15 justification.

16 And so it basically gets
17 defaulted to a shareholder's draw if the money is
18 not accounted for through whether it's checks
19 written as a distribution or whether it's transfers
20 taken out.

21 Q Mr. Lee does not recollect receiving a
22 distribution for this company. And I don't know if
23 there's something from the year 2012 that might have
24 affected that distribution. So if you don't mind
25 looking into that and see perhaps he did receive and

1 he just doesn't remember or --

2 A Well, one of the things, again, I'm pretty
3 sure of the time frame on this happening in 2013, it
4 was my understanding that that is the year that
5 Mr. Park and Mr. Lee had met with different lawyers
6 to discuss basically splitting up of the companies
7 in which I -- my understanding was he took over the
8 building and the restaurant for Yokoso there right
9 off of Rivers Avenue, and that Mr. Park took on the
10 assets and the debt for the other companies.

11 So the -- but I don't know, I
12 don't remember when that happened during '13,
13 whether it was --

14 Q February 27th, 2013, if that helps.

15 A Okay. So therefore -- yeah, we would have
16 to pull up a general ledger account for that
17 particular company to show, because obviously if he
18 had ownership for ten months out of the year, and it
19 showed the profit, we would have to validate where
20 that profit was at, whether it was, again, lack of
21 deposits that went in, whether it was distributions
22 on either side.

23 Q Thank you, Mr. Ulmer.

24 Could you please identify
25 Plaintiff's Exhibit 9.

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1 A This is the 2014 tax return form 1120S for
2 Tsunami of Columbia, LLC.

3 Q And can you go to the K-1 and tell me who
4 received a K-1?

5 A Mr. Park shows 100 percent ownership for
6 that year.

7 Q And that's 2014?

8 A Correct.

9 Q Where are the gross receipts?

10 A There are no gross receipts. It only
11 shows income of \$30, income, which that could
12 represent possible interest in the, you know, earned
13 from bank accounts or, yeah, I don't know, there's
14 not a specific thing that identifies what that was
15 from.

16 And again from my recollection,
17 what happened was that this company from '13 and
18 prior had Mr. Park and Mr. Lee on it, and then I
19 think in 2014 Mr. Park had started up a new company,
20 same location where Tsunami of Columbia was which
21 was on Gervais Street in Columbia, South Carolina.
22 But the name of that company was SP700A, as in
23 apple, LLC.

24 Q And you filed tax returns for SP700A?

25 A That is correct. And generally what

1 happens is is that a lot of times when you have a
2 partnership that dissolves or partners that go their
3 separate ways, I don't know what his reasoning would
4 have been to create a new LLC, but basically this
5 was a final return which is marked in section -- or
6 excuse me, on letter H, and so this is a final
7 return closing this out which it was created back --
8 it shows incorporation date of August 3rd, 2006.

9 So this was created back in 2016
10 and basically ran underneath as Tsunami in Columbia.
11 But then my assumption is that because of the
12 separation with him, with Park and Lee, that he
13 created up the SP700A, LLC. Now, whether that was
14 done in '13 or '14, it would show on the first
15 return and it would show the incorporation date, or
16 you could even look that up on the Secretary of
17 State to show when it was formed.

18 Q If Tsunami of Columbia wrapped up in 2014
19 and it shows no value, does that mean that its value
20 is transferred to SP700A's company?

21 A Right. Basically, and again from my
22 recollection, this owned no property. The only
23 thing it would have owned would be the equipment and
24 furniture in the restaurant. So what happens was is
25 that, yes, Columbia would have had -- basically what

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1 happens is that it transfers over into the new
2 company. More than likely it transferred over at
3 basically zero book value.

4 And what that means is that the
5 equipment was already depreciated, I'm sure,
6 especially if it was from 2006. And so on the new
7 company which in a sense took over that same
8 location, it would show -- the only thing it should
9 show as far as assets or anything that was bought
10 new particularly for that year or, of course, going
11 forward. But most likely that the equipment and
12 furniture that was bought when it first was created
13 in August of 2006 had already been fully depreciated
14 out so there would have been no book value on there.

15 And generally, when you have a
16 same owner that is basically transferring from one
17 to the other -- it would have been different if he
18 had sold to another individual, then he would have
19 to show obviously a sale of those assets, but in
20 this case it's transferred over at book value which
21 I'm sure was zero for all the old assets, so.

22 Q Okay. Then if you could identify Exhibit
23 10. Again, I'm going with the dates which is why we
24 got an early return here.

25 A Yes.

1 Q Go ahead and identify this document. This
2 is Plaintiff's Exhibit 10.

3 A And this is the 2013 tax return for
4 Tsunami of Columbia.

5 Q When was it filed?

6 A Well, again, we don't have -- these
7 signature pages show March 8th, but again I'm
8 100 percent sure that was not filed at that time.
9 It was only when the return was created. The date
10 of 11-13-2017 on this particular form was probably
11 when the form was printed out from our system.

12 So if I go to front page, again,
13 it's going to show that March 8th, 2014 date. But
14 we never had this information -- we never filed the
15 return before the deadline. So I know that it was
16 filed sometime that year. We would probably be able
17 to, especially with '13, we could validate through
18 our tax filing system the acceptance date by the
19 IRS, and more than likely it was probably in the
20 August-September range because we generally didn't
21 file until close to the extension time.

22 Q What was the gross receipts in 2013?

23 A This was \$1,518,094.

24 Q And the total income?

25 A Total income, 1,047,504.

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1 Q What was the distributions on the K-1?

2 A Mr. Park in 2013 shows as 100 percent
3 owner. The distributions show 317,594.

4 Q Is there any mortgage or loans interest
5 being paid on this?

6 A No. Again, the -- this particular company
7 just showed rents which rent showed line 11,
8 125,704. So there was no asset that was owned by
9 the company or by the individual to substantiate any
10 interest.

11 Now, I do see interest here on
12 line 13 of 43,472. And I can honestly tell you I
13 don't know why there would be interest -- I mean, I
14 do see, I do see a mortgage note payable of -- at
15 the end of '13 of about 85 -- 86,415. But I cannot
16 tell you based upon this information what that loan
17 would have been from.

18 Without having access to the
19 records, I do recall or remember that with this
20 particular location, that I believe Mr. Park, that
21 maybe would make sense about the interest paid out,
22 I do recall, remember that he had received money
23 from -- I don't know if it was an investor or
24 somebody that -- to help with cash flow. And so we
25 would 1099 that person or people, whoever it might

1 have been, for that interest that was paid out to
2 them since they would have to report it as income
3 since he took it as a deduction.

4 So sometimes a client obviously
5 runs into cash flow problems, and if they don't have
6 the, obviously the cash flow to help with that, they
7 may seek outside sources, whether it is from an
8 individual investor or sometimes from companies that
9 will give, you know, loans to help with cash flow.

10 But from what I can recall, I do
11 remember, and I'm pretty sure it was with this
12 company, why he would have had that kind of interest
13 because there might have been money received from
14 somebody. And again, I don't know the names without
15 looking up what those interest statements that would
16 have been issued out, but it would show the names of
17 who that was, who would have been paid out due to,
18 I'm assuming, a loan.

19 And again, without looking at
20 the books, the general ledger, I don't know what the
21 line 17 mortgages and notes payable show less than
22 one year. This number generally represents 12
23 months worth of payments. 51,706. So if you
24 divided that by 12 you're looking at a little over
25 \$4,000 a month. And then they have a line 20

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1 mortgages notes payable greater than one year. So
2 if you add those two together, that's where I came
3 up with roughly 86,415.

4 So that would have been due to
5 someone, but the general ledger would have who the
6 loan would have come from or who it was being paid
7 to.

8 Q Okay. Thank you.

9 Identify Plaintiff's Exhibit 11,
10 please.

11 A This is the 2014 tax return form 1120S for
12 Tsunami of Harbison.

13 Q And the date it was filed?

14 A Again, the date on the return shows
15 March 3rd, 2015, but I do not believe that that
16 return would have been filed on that particular
17 date. It's probably just the creation of the return
18 for the extension.

19 Q Gross receipts?

20 A 956,588.

21 Q And the total income?

22 A Is 583,638.

23 Q Any mortgage interest being paid?

24 A No, that is zero.

25 Q And if you could go to the K-1.

1 A Okay.

2 Q And who is the K-1 issued to?

3 A That is to Yong Park, 100 percent.

4 Q And was there a distribution?

5 A Distributions, so 84,420.

6 Q Okay. Thank you.

7 Next. What are you thinking?

8 A I don't understand why this would not have
9 interest because Tsunami of Harbison had a building
10 that -- oh, I know what it is now.

11 Q What is it?

12 A Well, so what happened was when this
13 property was purchased -- so when the property was
14 purchased, it was not purchased underneath the
15 business name, it was put underneath the individual
16 name. And I cannot recall whether both Mr. Lee and
17 Mr. Park have that underneath their names, but on
18 their personal return there would have been a note
19 obviously on the building.

20 But I generally tell clients not
21 to -- unlike they did -- like they did with
22 originally like with Yokoso and also -- well, it
23 would have been with Yokoso. I always recommend
24 that they purchase land or assets for building on a
25 separate, like a separate LLC or underneath their

1 personal name so that if there was any liability
2 that happened within the restaurant, that the
3 restaurant didn't own the building which could be,
4 you know, an issue down the road.

5 So that's why there's no
6 interest on this return or for any return for
7 Harbison. It would have been reported probably as
8 rents received. So what would have happened is that
9 the company would have made the payments out.
10 Mr. Park and potentially Mr. Lee would have reported
11 those rents on their personal return. And then they
12 would have taken the deduction from the note on
13 the -- from the note that they were paying the bank
14 and written off the interest against that income.

15 Q What would the property address be for
16 Tsunami of Harbison?

17 A That I do not know. The address on here,
18 which most of them are addressed, are to 1786
19 Cherokee Rose Circle which I know is Mr. Park's
20 personal address.

21 Q That's what I thought.

22 A And it's where Mr. Lee at one time also
23 resided as well.

24 Q Is this the property that might be in
25 Ladson?

1 A No. Tsunami of Harbison was located in
2 Columbia, and I believe the address is 1290 Bowers
3 (sic) Parkway. I'm almost positive that's it.

4 So they had two properties in
5 Columbia. We discussed Tsunami of Columbia which
6 switched to SP700A, Tsunami of Harbison which was
7 done, looks like in February of 2008. That was 1290
8 Bowers Parkway which on their personal returns they
9 would have shown rent, and then on the opposite side
10 they would have taken the depreciation on the
11 building and that's where the interest would have
12 been reported for that.

13 Q Thank you. Plaintiff's Exhibit 12?

14 A This is the 2015 tax return form 1120S for
15 Tsunami of Harbison.

16 Q When was this return filed?

17 A Again, the return shows a date of March 8,
18 2016.

19 Q Let's just go straight to the K-1. Trying
20 to --

21 A Sure. Okay.

22 Q And who was issued a K-1?

23 A This is Mr. Park at 100 percent.

24 Q Okay. And then this Plaintiff's Exhibit
25 13? Again, what's the date -- identify the

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1 document, please.

2 A Sure. This is the signature page for the
3 federal for 2013 for Tsunami of Harbison. The first
4 two pages are the signature pages. The third page
5 shows the actual page one of the corporate return.

6 Q And the date of the signature pages?

7 A The original was March 8th, 2014, but the
8 print date was November 13th, 2017.

9 Q So this print date doesn't necessarily
10 reflect there was an amendment to the 2013 return?

11 A No. I mean, if there was an amendment,
12 you would have seen a box checked here. It does
13 show amended return. So the original return would
14 have had -- I don't know what would have been
15 changed on this, but there does show an amended
16 return on there.

17 Q Let's see.

18 A Right. There is no amended on that. It's
19 going to be -- any that are amended is going to be
20 in box four here.

21 Q Double-check that then. I'll make a note
22 to just follow up with you to see if that one was
23 amended.

24 A Well, if it's clicked amended, then it
25 would have been, but I don't believe that it was

1 amended in December 13th of 2017, but it's possible
2 that it was. And if it was, we would obviously have
3 information as to why that was changed.

4 Q If you could just go to the K-1.

5 A Okay. K-1 shows Mr. Yong Park 100 percent
6 owner.

7 Q My question is is that from January 1st
8 until February 27th of 2013 Mr. Lee was still
9 co-owner of these companies, so why wasn't he issued
10 a K-1 for his portion of the year?

11 A Good question. I don't know. Normally,
12 what would happen is that we would end up filing a
13 short form return for that year which would have
14 reported two months of 50 percent ownership and then
15 obviously ten months 100 percent for Mr. Park.

16 Now, it's possible that in the
17 agreement they could have, just like Mr. Lee would
18 have reported all of the income from 2013 for Yokoso
19 of which he took over, then Mr. Park would have had
20 two months of that income. But it's possible that
21 there could have been an agreement or that would
22 have said that Mr. Park would have been responsible
23 for all the full year tax liabilities or reporting
24 of income and that Mr. Lee would have agreed to have
25 reported all of the tax filings for Yokoso solely.

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1 Q You have that agreement?

2 A No, I'm just saying that would have been
3 why that would have been done that way, or there
4 would have been an agreement to say, okay, I'll
5 report this, you will report that.

6 Q No. I understand 'cause I've seen that
7 language.

8 A Sure.

9 Q I just want to know, you spoke about how
10 you knew that there had been a division of the
11 properties in the year 2013.

12 A Right.

13 Q I'm trying to figure out how did you know
14 this?

15 A Well, I was --

16 Q Who told you?

17 A Well, I went and met with the lawyers when
18 they had the discussion about -- when Mr. Lee was
19 suing Mr. Park for whatever his lawsuit was at the
20 time, I had to meet with the lawyers. I met with I
21 believe Mr. Lee's lawyer which was down the road
22 from me somewhere on Trolley Road in Summerville.

23 Q Do you recall his name?

24 A I do not.

25 Q Is it Graves?

1 MS. DeJONG: Is it Mr. Graves Wilson?

2 A Wilson Graves, I don't know if that was
3 his actual last name, but I do remember that, yes.

4 Q Do you remember Mr. Park's attorney's
5 name?

6 A I do not.

7 Q So you met with him prior to the agreement
8 being drawn up or at the time of signing?

9 A No. I never was there at the signing. I
10 met when they were having the discussions and I
11 guess coming up with the agreement. And, you know,
12 they asked me, you know, obviously similar questions
13 to this about the entities. But, I mean, that was,
14 again, six years ago, so I don't quite remember what
15 the discussions were other than whatever they had
16 asked me about, you know, similarly about how I
17 would, you know, book the income, book the expenses,
18 those type of things, so.

19 Q Did they ever ask you for tax returns for
20 the companies?

21 A Oh, I'm sure we did provide to them
22 whatever they had asked for. But I don't remember,
23 you know, specifically what that was.

24 Q Did they ever ask you to give a valuation
25 on the business as the accountant?

1 A No. The only thing that may have been
2 discussed, which generally will happen, is to,
3 again, go over the bottom-line profits of the
4 company to determine how we came to that.

5 And so -- but I'm not
6 particularly qualified to give valuations, and I
7 wouldn't give a valuation saying that this company
8 is worth this.

9 They may ask a question for
10 example, if a company has profit again, you know,
11 where that profit was derived from and where it may
12 have been distributed at. But yeah, I'm not
13 qualified to give any sort of valuation on a
14 business.

15 The only thing that we would do
16 was just say that, make it known that the assets
17 that are in the company are listed as historical
18 costs, so that means that if you have a building
19 that you, say, spent \$2 million on and it's now gone
20 up to \$3 million, the return is not going to
21 substantiate that. You would have to have some type
22 of obviously an appraisal done to verify what the
23 value was.

24 Q When you met with the attorneys for
25 Mr. Lee and Mr. Park, were either owners there at

1 that meeting and how many meetings were there?

2 A I believe I met with him twice.

3 Q Who's him?

4 A That is Mr. Lee's attorney. And I know I
5 had to have met Mr. Park's attorney. I know that
6 they were up there at least one time. But I'm
7 pretty sure that I had two different meetings with
8 them. I think the initial meeting was to introduce
9 who I was, what we did. But I remember the second
10 meeting just would have had to have discussed,
11 again, the formation of the companies and, you know,
12 who had ownership and when the companies had formed,
13 that sort of thing.

14 But ...

15 Q Were either Mr. Lee or Mr. Park present at
16 these meetings?

17 A I recall both of them being there, yes, or
18 at least when I met with -- and again, I don't know
19 that to be sure, but if I did meet with Mr. Park's
20 attorney, he was there -- if Mr. Park's attorney was
21 there, Mr. Park was there. If Mr. Lee's attorney
22 was there, they were there. I don't recall ever
23 meeting with one attorney on my own. Both of their
24 clients were there.

25 Q Did anybody, whether it's owner or

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1 attorney, ever send to you the draft of the
2 agreement just to make sure that the division was
3 going to be in accordance with tax law or equitable?

4 MR. LESEMANN: Object to the form.

5 THE WITNESS: Do I need to answer?

6 MR. LESEMANN: Yeah, you need to
7 answer the question.

8 BY MS. DeJONG:

9 Q You can.

10 A No, I don't recall receiving that
11 information. I could have. But it's almost like
12 from what my recollection was that it just happened.
13 There was no -- all I know is that there was, you
14 know, discussion with Mr. Park that just said, okay,
15 I'm now taking over these companies and Mr. Lee now
16 has his company. That was it.

17 But I do recall -- and I had to
18 have had something from the attorney that would have
19 said that this is a new ownership because -- and I
20 do recall speaking to Mr. Lee about that, that he
21 was going to be taking over solely Yokoso, Inc. in
22 North Charleston.

23 But as far as the formalities,
24 no, I don't recall, remember seeing that. Again, at
25 that time I believe that, like I said, Michelle

1 Moody, I know in '13 was the preparer, and I think
2 she took over for the '14 return. But I don't
3 recall at that time whether I would have received
4 anything through the mail, and if I did, I certainly
5 would have printed that up to validate what the
6 ownership split was.

7 MS. DeJONG: All right. Let's go
8 ahead and mark these personal returns.

9 BY MS. DeJONG:

10 Q I don't know what the front of it is.

11 A It looks like it's been kind of put out of
12 order. Because this is kind of -- hum. Yeah. This
13 is state, 2012. But --

14 Q In here, does it show ownership of
15 companies in this section? That's all I really want
16 to go over.

17 A Yeah, no, this right here shows --

18 Q Wait.

19 MS. DeJONG: Off the record.

20 (The deposition went off the record.)

21 (Marked for identification was Plaintiff's
22 Exhibit 14.)

23 (Marked for identification was Plaintiff's
24 Exhibit 15.)

25 (Marked for identification was Plaintiff's

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1 Exhibit 16.)

2 BY MS. DeJONG:

3 Q You stated before that you do have signed
4 tax returns in your office?

5 A Well, we have signed signature pages for
6 electronic filing, yes.

7 Q Okay. Go ahead and identify Plaintiff's
8 Exhibit 14.

9 A Okay. Well, this starts with Schedule E
10 which is --

11 Q For who?

12 A This is Mr. Ho Dong Lee and Choon Hee
13 Park. This would have been on the 2012 personal
14 return. Schedule E is reporting any rental income
15 that is paid out by the business that they had
16 ownership in.

17 Q And that property is associated with which
18 company?

19 A Tsunami of Harbison, LLC.

20 So what has to be made clear
21 about this, and this happens with a lot of clients,
22 is the way that this is supposed to work is that the
23 business, when the individual such as Mr. Lee and
24 Mr. Park own the -- or title underneath, and I
25 recall this vividly, that the address, you know,

1 1290 Bower Parkway which is where the building was,
2 they had taken out the loans -- or the loans were
3 taken out underneath both of their names
4 individually, not by the actual LLC, which is why
5 this rent is reported underneath their personal.

6 The company is supposed to pay a
7 rent to the individuals to which the individuals are
8 to pay the bank for that note. But nearly -- or
9 many of my clients don't always do that. They would
10 always have the company write the check directly to
11 the bank which is incorrect just because of the flow
12 of things. Because if the business -- the business
13 does not owe a tax -- or excuse me, a liability to
14 the bank. The individuals owe that.

15 But to satisfy the filings for
16 the IRS, we report those moneys out and we have --
17 and so just because, say, for example, if the
18 payment was \$8,000 a month, that doesn't necessarily
19 mean it has to represent what the rent would be for
20 that particular company.

21 On this one particularly here,
22 it's showing rents received of 60,000, and it's got
23 taxes and depreciation which are the two deductions
24 for that company, so -- or for the individual. And
25 then they end up showing this rental income here

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1 from this amount here. But again, I know for a fact
2 that with both Mr. Park and Mr. Lee, they didn't
3 actually receive \$5,000 apiece in rent, and they
4 didn't actually pay the individual bill to the bank.
5 I know that Tsunami of Harbison would have paid the
6 actual note directly to the bank.

7 But we can't show it as that
8 because the bank was not -- yes, they do own the
9 building technically because they hold the note, but
10 for tax purposes we have to show this on their
11 individual return.

12 Q So where did the rent go?

13 A Well, it wasn't necessarily rent. This is
14 money that they had to show. So if Mr. Lee showed
15 \$60,000, Mr. Park would have shown \$60,000, the
16 company would have shown a deduction of \$120,000 as
17 rent paid out, and so it sort of works somewhat as a
18 wash. But, so we might have come up with an idea,
19 like, in other words, you have to come up with a
20 fair market value of what that building should rent
21 for, which it sounds to me it would have been
22 \$10,000 a month.

23 Q Where does this show on Plaintiff's
24 Exhibit 14 any distributions to Mr. Lee?

25 A There is no showing of distributions on

1 that.

2 Q And that's because Tsunami of Harbison had
3 its own tax return and issued K-1s?

4 A That is correct, and that's where the
5 distributions from the company would have shown.

6 Q So the K-1s are filed under the corporate
7 return and not under the personal return?

8 A Well, no, the K-1s are generated from the
9 corporate return. They are reported underneath the
10 individual's return. So then page two of Schedule
11 E.

12 Q So Schedule E ...

13 A And that shows -- well, it's got more. So
14 you can see here it's got three names and then D
15 says all others. So obviously there was more than
16 three entities that he was partner in.

17 Q So if you could just put on the record
18 what companies are being reported on his 2012 tax
19 return.

20 A Okay. So here is the listing here.
21 Yokoso, Inc. showing income of 121,437.

22 Q When you say income, I'm thinking
23 distribution. Does that mean the same thing?

24 A No. This is just the reported profit from
25 the company that he was responsible for being

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1 50 percent owner.

2 Tsunami of West Ashley showed a
3 loss, his share of the loss of 89,914. Yokoso of
4 Summerville shows profit share for Mr. Lee of
5 53,619. Tsunami of Harbison shows income -- I have
6 to have a calculator here because they have income
7 of 54,228 minus 3,394 --

8 Q 50.

9 A This 3,394 represents some type of 179
10 deduction which normally means that they had
11 equipment or furniture that they just totally wrote
12 off in one year rather than depreciating over many
13 years.

14 And the final company is Tsunami
15 of Columbia which shows 145,360, his portion of the
16 K-1 -- or portion of the profit derived from the
17 K-1.

18 So at the bottom of this list
19 you've got total income reported. You have total
20 loss reported. And then this deduction here which
21 also in a sense kind of acts like a loss 'cause it
22 will deduct from the total income.

23 Q All right. Where does it show
24 distribution?

25 A It will not show it on the individual

1 return. It will show it only on the company return.

2 Q I thought I asked you that. It says the
3 company issues the K-1, and then it shows up on the
4 personal return?

5 A The K-1 profit and then the distribution
6 can be totally different. So this just shows what
7 profit was derived for that year. Then this
8 deduction here is loss. So the net obviously is
9 going to be close to two hundred and some thousand
10 dollars.

11 Yeah, you can see here this is
12 also a K-1 report which again shows the -- it shows
13 the gain and then it shows the loss and the
14 deduction here.

15 Q Well, on February 27th, 2013, what
16 happened to Mr. Lee's share of his profit?

17 A Well, this is 2012 return so it wouldn't
18 have anything to do with that year.

19 Q So it would show up on the '13?

20 A Right, on the '13 return. It would
21 show -- well, it would show if he received anything
22 from that. Obviously from the reports here, he did
23 not show two months worth of income or loss from
24 obviously these companies here. It would have been
25 strictly from Yokoso from -- based upon the previous

1 exhibits that we had for that year.

2 Q Why didn't I get tax returns for Tsunami
3 of West Ashley?

4 A I don't know. We -- you should have. I
5 mean, we have --

6 Q I didn't specifically issue a subpoena for
7 it, and that might be why I didn't get that.

8 A It's possible. What happened was,
9 obviously, I gave that to my assistant, I said,
10 whatever is on here pull those up, get a PDF copy
11 file, and send over to them, so, yeah.

12 Q Identify Plaintiff's Exhibit 15.

13 A This is the 2013 tax return for Ho Dong
14 Lee and Choon Hee Park individually.

15 Q Let's go to the -- show me where it shows
16 the sale of the assets to Mr. Park, or?

17 A Yeah, there's not going to show any sale
18 onto that. So again, what happens is that if the --
19 both parties agree to the fact that there are going
20 to be -- in other words, I'm going to be removed
21 off, so for example, in any of the -- the prior
22 lawsuit would have shown that he took over the -- he
23 would have taken over the assets for his company,
24 Yokoso, Inc., and the building and everything --

25 Q Talking about Mr. Lee?

1 A That's correct. And then Mr. Park would
2 have done that. That would have shown up in their
3 court documents from the prior lawsuit. And so
4 there wouldn't have been an actual sale.

5 What happens is that if they --
6 for example, if he had ownership in these other
7 entities, then generally they have an agreement that
8 says that I default my shares to you and you now own
9 these companies, you default your shares of
10 ownership here, it does that. So it would not
11 represent anything on a tax return per se. That's
12 going to be more or less in either legal documents
13 that say, I now have ownership of this company, you
14 now have ownership of these companies, so.

15 MS. DeJONG: You're talking about a
16 lawsuit, but I'm not aware of any lawsuit
17 beside this one.

18 MR. LESEMANN: Right. Me neither. I
19 think there was discussions and just maybe
20 that's not the word to use.

21 THE WITNESS: Okay. You're right.

22 MR. LESEMANN: But, yeah.

23 MS. DeJONG: Like, what did I miss?

24 A So if I called it a lawsuit, that was in
25 error. What happened was that they had a meeting to

1 discuss -- my understanding was obviously there was
2 going to be a separation of their partnership, and
3 so they had met with these two other lawyers to
4 discuss obviously what was fair and reasonable for
5 what they wanted to do as far as how they wanted to
6 separate out the ownership on that.

7 Like I said, I wasn't involved
8 in that. I wasn't obviously legally able to give
9 any evaluations to say this company is worth this.
10 Basically, when that happens, you know, clients
11 would generally go in and say, okay, what are the
12 assets involved, whether it be building, whether it
13 be equipment, whether it be furniture, fixtures.

14 You would have some type of
15 business evaluation done, and then you would
16 obviously take what debt is owed against that, those
17 assets, and to make a determination that, okay,
18 here's the evaluation on that. So I wasn't privy or
19 did not know how they came up with the agreement to
20 say, okay, Mr. Lee, you take over Yokoso now and,
21 Mr. Park, you now are responsible for these entities
22 along with their assets and their debts.

23 BY MS. DeJONG:

24 Q Can you show me on Plaintiff's Exhibit 14
25 where it shows he paid interest on that Harbison

1 loan? I thought you said the loan was in their own
2 individual names. Are we missing a few pages?

3 A No. On the rental there doesn't show any
4 interest mortgage paid to banks here. And so
5 without looking further into it, it is possible that
6 the bank would have issued out a mortgage statement
7 to Tsunami of Harbison. So sometimes -- it's an odd
8 thing. You may have where the property itself is
9 titled underneath the individual's name, but then
10 they may make the loan and they may issue the 1098
11 interest statement form to the actual company.

12 Well, we can't list the assets
13 as a asset in the corporation if the corporation
14 technically does not own it. It may be responsible
15 for the loan. And so based on what I'm seeing here
16 is that the interest may have been reported
17 underneath Tsunami of Harbison for, say, example,
18 2012.

19 MR. HO DONG LEE: Paid off loan.

20 MS. DeJONG: Excuse me. No, no, no,
21 we can't do that. We can't do that.

22 BY MS. DeJONG:

23 Q Okay. Thank you.

24 A Sure.

25 Q Let's go back to Plaintiff's Exhibit 15.

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1 Can you tell me the Schedule E? Can you pull that
2 up.

3 A Schedule E, shows right here, this is
4 again similar to 2012. There is no rents received.
5 There is a little bit of depreciation taken which I
6 don't know what that would have derived from.

7 Q Which schedule shows the profit from
8 companies?

9 A Well, you're going to see here page two of
10 Schedule E you have two companies that are on here.

11 Q So as of the end of 2013, what companies
12 did Mr. Lee own?

13 A It shows Yokoso, Inc. and Katsu, LLC.

14 Q How was Katsu taxed?

15 A The same as others, it was taxed as an S
16 corporation which means that any income or profit --
17 or excuse me, profit or loss from the company would
18 be reported to the individual.

19 As we saw in the prior exhibits,
20 Yokoso showed a loss of -- excuse me, showed an
21 income for that year of \$96,400; however, the income
22 was reduced down by 22,522 which comes from Section
23 179 expense.

24 Now, that would have meant
25 Mr. Lee had gone in, taken over the company, had

1 potentially bought, you know, new furniture, new
2 equipment which we elect he had to write off in the
3 full or at least for those pieces that year to
4 obviously help against offset his income. Katsu
5 itself showed a \$4,740 loss for the year which could
6 have been -- I don't know when that actually had
7 been created or started.

8 But if Yokoso was showing the
9 income for 2013 and then showed the loss for the
10 179, then Katsu must have been formed sometime that
11 year, but without looking at the actual or having
12 the actual return, I don't know where that loss
13 would have been derived from sales and/or expenses.

14 Q In 2013?

15 A That's correct. And you can see here
16 96,400 which does report there, but the K-1 is going
17 to also have that Section 179 deduction as well.

18 Q Can we go ahead then to the next exhibit?

19 A Okay. This is the 2014 tax return for
20 Mr. Lee and Miss Park.

21 Q Just go to that Schedule E, see if there's
22 any rental income or profit from the company. Is
23 there rental income first?

24 A There is no rental income. Well, before I
25 say that I will look. And, no, there is no page one

1 which shows that there was no rental income
2 reported. Again, with this being 2014 with the
3 transaction of their agreement showing that Mr. Park
4 would have taken over Tsunami of Harbison which is
5 where he used to show that rent, there is none for
6 this. This only shows, again, two companies that he
7 still had ownership of: The original Yokoso, Inc.
8 and the company Katsu, LLC.

9 Q What profit is showing for Yokoso, Inc.?

10 A Yokoso, Inc. showed a loss of 20,592.
11 Now, what that would have been derived from, Yokoso,
12 Inc. now, once he formed Katsu, all of the
13 restaurant and income and expenses would have been
14 paid out of Katsu. Yokoso, Inc., because the
15 building was still owned by -- Yokoso, Inc. still
16 owned the building that was there. This loss could
17 have been derived from the depreciation and
18 potentially the interest that would have been paid
19 on the note if there was any interest or any notes
20 payable.

21 And so what happens is that
22 Katsu, Inc. is supposed to pay now Yokoso for rents,
23 but if the company does not pay that out, then
24 therefore, Yokoso would have never reported any
25 income.

1 Q Well, could that number also represent the
2 fact that he missed mortgage payments?

3 A Not necessarily missed. What happens is
4 that the loss was granted in Yokoso, Inc. because,
5 again, the building was underneath that entity. So
6 the depreciation may have calculated from that to
7 create this loss because it was in service.

8 If there was no mortgage
9 payments that were made, that means that no interest
10 would have been given credit, and so that still
11 would have been underneath Yokoso, Inc.

12 But without having -- I'd have
13 to have the actual return for '14 for Yokoso to see
14 what that represented. I thought --

15 Q I just looked it up. It matches.

16 A Okay. I wanted to make sure.

17 So Katsu that year showed a
18 profit of 83,168 minus some 179 deduction, which
19 again could be write-off of equipment and/or
20 furniture, so it would have netted out to roughly in
21 the seventy-five range.

22 Q In regards to any new LLC that comes to
23 you by either Park or Lee, do you ask for articles
24 of organization?

25 A Yeah, generally we ask for them. When

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1 they go to a lawyer, we say, please send us that
2 information that will show us the breakdown of who
3 the actual owners are.

4 Q So based upon your review of the tax
5 returns in 2012 to 2013, does it seem like Mr. Lee
6 didn't make much profit compared to prior years?

7 MR. LESEMANN: Object to the form.

8 A I'm not understanding the question.
9 Meaning that -- I'd have to go back and look to see,
10 like in 2013. You're asking about the profit?

11 BY MS. DeJONG:

12 Q Um-hum.

13 A Well, he's now gone down from having
14 several entities down to just the two which, again,
15 it's really down to one entity from in '14 because
16 Katsu became the sole earner as far as like, you
17 know, the restaurant business was concerned.
18 Yokoso, Inc., again, was not an income generator, it
19 was only a return that was reported strictly to
20 report any rents and any deductions against that
21 rental with it owning the building.

22 So certainly, obviously in 2014
23 the profits were lower than what it was in the prior
24 years, if that's what you're asking.

25 Q It is what I'm asking. Thank you.

1 (Marked for identification was Plaintiff's
2 Exhibit 17.)

3 (Marked for identification was Plaintiff's
4 Exhibit 18.)

5 (Marked for identification was Plaintiff's
6 Exhibit 19.)

7 (Marked for identification was Plaintiff's
8 Exhibit 20.)

9 BY MS. DeJONG:

10 Q Identify Plaintiff's Exhibit 17, please.

11 A This is the 2012 tax return for Mr. and
12 Mrs. Park.

13 Q And if we can go to Schedule E. Is there
14 any rental income?

15 A Okay. So Schedule E does show, what it
16 did with Mr. Lee's return, it shows the \$60,000
17 which would have been paid by Tsunami of Harbison.
18 It shows half of what the taxes were. And it shows
19 half of what the depreciation is.

20 So on the depreciation schedule,
21 which, yes, it would be on here, it should show ...

22 Q Well, I understand the depreciation.

23 A Right.

24 Q If you could go to the next page and tell
25 me what companies did he receive a profit from?

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1 A Okay. So this right here lists some of
2 them, then it has all others. When you go to the
3 schedule attachment, okay, so this is 2012, we've
4 got profits from Yokoso, Inc. of 121,437. We have
5 profits from Tsunami of Columbia which is 145,360;
6 we have a loss from company called Three Guys
7 Restaurant of 18,035.

8 Q Could you go slower.

9 A We have a loss of 89,914 from Tsunami of
10 West Ashley; we have profit from Yokoso of
11 Summerville, 53,619.

12 Q What's this company?

13 A Yokoso of Summerville? No -- oh, Sunny?

14 Q You're right here.

15 A That's correct.

16 Q Go slower.

17 A Yeah. Sorry. Yokoso of Summerville
18 showed 53,619.

19 Q All right.

20 A We have Sunny Company, LLC and that is
21 profit of 69,914. We have Tsunami of Harbison which
22 again showed profit of 54,228 minus 3,394 in Section
23 179 expense deduction, so roughly at around 50,000.
24 And then we also have another loss from Three Guys
25 Restaurant, 14,457.

1 Q So there are two separate locations, two
2 separate Three Guys Restaurants?

3 A There would have been one company for
4 that, but two K-1s are derived from that. Now, that
5 might have been one underneath Mr. Park and possibly
6 from Sunny. I don't know why they would be
7 different in numbers unless one person had more
8 ownership than the other in that company.

9 Q And where is this located, this Three Guys
10 Restaurant?

11 A Three Guys Restaurant was an LLC setup to
12 put in similar to the way it was with Tsunami of
13 Harbison. This was a building that was owned, there
14 was no restaurant that he operated or owned. It was
15 a piece of property, I don't remember the exact
16 address, it was in the 5000 block of Rivers Avenue.

17 But it was a building that he
18 had bought. He had had two other partners, that's
19 why it was called Three Guys, I guess. He had had
20 two other partners, I don't recall either one of
21 their names, but the three of them had bought this
22 building and had leased it out to whoever was
23 renting that space, which was some type of a
24 restaurant, I don't remember what they were.

25 It used to be a Wendy's

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1 restaurant, but that closed down and so they bought
2 it, from my understanding or what I can recall, from
3 the bank. And so he had these partners in that
4 particular company.

5 Q Mortgages, did they take out a loan?

6 A Right. I know that they had, initially
7 they had a mortgage with First Citizens Bank. I
8 don't know who that ended up switching up to. But I
9 know eventually those partners kind of -- they
10 originally started with three, then it became down
11 to two, and then eventually I know Mr. Park, you
12 know, he solely had owned that at some point in time
13 down the road. This is 2012. That might have
14 happened down within '14 to '15 maybe, but I don't
15 know the exact year.

16 Q Is this property sold or does he still own
17 it?

18 A I don't do his stuff anymore so I don't
19 know whether that's sold, but from my last
20 recollection we did the last return for him in 2017,
21 from what I recall I still remember him owning that
22 property on Rivers Avenue.

23 Q Do you know if either Sunny Park or
24 Mr. Park ever loaned money to Three Guys Restaurant
25 or Sunny Company, LLC from moneys in the other

1 companies that are co-owned by Mr. Lee?

2 A I wouldn't know that without looking at
3 those distributions or transfers. I would not know.
4 I mean, based upon Three Guys Restaurant showing
5 losses, obviously there had to have been money that
6 was put in. Now, who that was from, that could have
7 been from the other investors or other partners.
8 But I wouldn't be able to tell you that, if anything
9 came out from the other companies to that company.

10 MS. DeJONG: All right. I just need
11 five minutes, I have to run to the office
12 real quick. Okay?

13 MR. LESEMAN: All right.

14 (Recess.)

15 BY MS. DeJONG:

16 Q I think those are all the questions I have
17 for Plaintiff's Exhibit 17.

18 Let's go to Plaintiff's
19 Exhibit 18 and identify it.

20 A This is the 2013 personal return for
21 Mr. and Mrs. Park.

22 Q Go ahead to Schedule D. Was there any
23 rental property?

24 A Yes. Now, this is showing 1290 Bower
25 Parkway which is where Tsunami of Harbison was

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1 located. And now the rents now show \$109,000 and
2 which would represent the 100 percent for that
3 company.

4 It's showing interest of
5 \$50,000, depreciation, there are no taxes paid, at
6 least shown on here.

7 And so what I remember is that
8 that company was struggling and so I remember,
9 'cause really I remember this, I thought, why would
10 they have \$50,000 of interest, like this doesn't add
11 up, you don't ever have something like that -- being
12 like that.

13 But I remember that they had, I
14 want to say they had some type of a modification or
15 they had some type of an agreement with the bank in
16 that they had made these payments which were
17 strictly interest only. They had changed it and
18 they said -- because I believe that they were behind
19 on that property. And so that's why it ended up
20 being like an even number, which again is very rare.
21 Whenever you get interest, it's always something off
22 on that.

23 So this shows the 109,000 paid
24 out by Tsunami of Harbison with the interest, with
25 the depreciation. Normally, there's a tax expense;

1 however, if they were -- again, from what I can
2 recall, that the business was struggling and so they
3 had not paid the taxes, at least within that year,
4 to take the deduction. It may have been paid at
5 another time. So that would obviously affect the
6 expenses.

7 Q But if the loan was co-owned -- I don't
8 know if this loan was co-owned by Mr. Lee. But why
9 didn't he get any kind of credit on his 2013
10 personal return for the rent and then the allocation
11 of his portion of the payment?

12 A Right. So again, the idea is is that when
13 they met in '13 to -- or finalized in '13 to
14 separate, you know, it could have been that he
15 elected that -- Mr. Park elected to report any and
16 all income and expenses from those companies rather
17 than dividing it by two-tenths of the year or two
18 out of 12 months.

19 Q You're absolutely right. All right.

20 If you could flip the page. And
21 then what companies reported a profit or loss for --
22 in 2013?

23 A Right. So Tsunami of Columbia showed
24 profit of 226,830. The other profit was Yokoso of
25 Summerville which was 190,411. Sunny Company had

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1 profit of 15,436.

2 Q What kind of company was that -- is that?

3 A Sunny Company was -- so I believe the
4 second location that they had started up, it was
5 called Tsunami of Charleston which was on East Bay
6 Street, I don't remember the actual address, but
7 again, it was another Tsunami.

8 And I know at some point in
9 time, I don't know when that was, that company was
10 sold to -- I don't know, I don't remember her name.
11 I briefly did her taxes for her. But she had taken
12 over that company. It didn't do well. And then I
13 know that when Park went back in to take it back, he
14 again got rid of the Tsunami of Charleston and
15 switched over to Sunny Company.

16 Q But I didn't see where you had Tsunami of
17 Charleston in any of these tax returns.

18 A It's been a while. That was one of those
19 ones from probably back in 2003 and '4, not as of
20 recent. Again, I don't know what the time frame was
21 on that, but I think Sunny Company opened up
22 probably around '11 or '12, and that's the company
23 that, again, kind of took over that spot downtown
24 for that Tsunami company there.

25 Q Sorry.

1 A Okay. So --

2 Q Who owns Tsunami of Charleston?

3 A Well, initially it was Mr. Lee and
4 Mr. Park. I remember that. At what point in time
5 that that was dissolved or whatever, that I cannot
6 recall.

7 Q Okay. All right. Well, okay, let's keep
8 going then.

9 A Right, so Sunny Company had the profit of
10 15,436.

11 (There was an interruption in the
12 deposition, and the deposition was moved
13 to another conference room.)

14 A Okay. So we had talked about Sunny
15 Company profit of 15,436, and then Tsunami of
16 Harbison showed profit of 36,798 minus 967 of a
17 deduction, so, again, just over thirty-five and
18 change.

19 Those are the companies that you
20 had asked about for profit.

21 BY MS. DeJONG:

22 Q Tell me the ones about the loss.

23 A Okay. We have this Three Guys Restaurant.
24 Again, the two K-1s which would tell me that
25 Mr. Park -- Mr. and Mrs. Park would have had,

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1 probably during this year they had the full
2 ownership of that and that's probably at 50/50.

3 19,713 is the loss for each of
4 them. And that would be basically rental loss
5 'cause, again, they had the building for rental.

6 Tsunami of West Ashley shows a
7 loss of 14,080.

8 Q Say that again.

9 A Tsunami of West Ashley shows a loss of
10 14,080. Then there is an entity Park & Lama, LLC.

11 Q What company is Park & Lama, LLC?

12 A I do not know. I mean, I remember it, but
13 I am trying to remember what it was associated with.
14 I would be guessing if I tried to exactly figure
15 out. So --

16 Q Does it show a profit or a loss?

17 A No, it shows a loss, 24,493.

18 Q Do you know who owned it?

19 A Well, it was Mr. Park, and I don't know
20 who Lama was. I don't know if that was a -- yeah.
21 I don't recall. It's ...

22 Q Tell me about Tsunami of West Ashley. Who
23 owns that company?

24 A Okay. So again, that was a company that
25 had started out at 50/50, but as far as '13, I'd

1 have to look at the actual return, whether -- more
2 than likely if this was '13, then more than likely
3 that this loss was strictly on Mr. Park at
4 100 percent because, again, if he was on initially
5 at 50/50, then in '13, even though we determined
6 that it was through February, that would have been
7 this.

8 I know that Park and Lama had
9 nothing to do with Mr. Lee. It was just another
10 company that Mr. Park had opened up with someone
11 else. But I don't -- I'm just -- I don't want to
12 guess because --

13 Q Don't guess.

14 A Yeah. I know that he had opened up some
15 other type of a company. There was a company called
16 Sushi 101 which was opened in Goose Creek, but I'm
17 not 100 percent sure that that was the actual
18 corporate name because obviously, you know, you have
19 a d/b/a for these companies. But -- so I cannot say
20 for sure if that was for that particular company.

21 SP700A, LLC, again, that showed
22 a loss of 36,190. That is a company that, in turn,
23 so here in '13 after Tsunami of Columbia, that in a
24 sense took over Tsunami of Columbia.

25 So Tsunami of Columbia which had

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1 existed, you know, before '13, I think ended in '14,
2 and the reasoning why I think it ended then was
3 because there was -- it shouldn't have if SP700 had
4 taken over, but that was the new company that in a
5 sense took over for Columbia, Tsunami of Columbia.
6 And that was -- SP700 would have been either
7 Mr. Park solely or Mr. and Mrs. Park. It wouldn't
8 have had anything to do with Mr. Lee 'cause that was
9 the Columbia company.

10 Q Okay. Plaintiff's Exhibit 19?

11 A This is a 2013 return showing an
12 amendment. And this might answer the question back
13 about when we had an amendment on Tsunami of
14 Harbison. Now, Michelle has here, client had
15 business return amended which changed K-1. So
16 something on that Tsunami of Harbison return for
17 that year changed --

18 Q Does it say Harbison somewhere, or is it
19 just personal?

20 A No, this is personal.

21 Q So how do you know which company it is?

22 A Well, because I'm just saying assuming
23 from when we looked at the prior exhibits, there was
24 an amended return clicked for Tsunami of Harbison.

25 Q Oh, that's right.

1 A But -- and that's why -- so apparently it
2 looks like there was a reduction of income from
3 that. So it's possible that something might have
4 gotten left off, whether that was the taxes or
5 whether it was some type of deduction, and that's
6 what changed.

7 And so that just means that they
8 had a reduction of income and so a reduction of tax
9 which gave them -- helped them out with a refund for
10 that year.

11 Q Okay. Thank you.

12 Next exhibit, and last -- well,
13 second to last one.

14 A Yeah. This is 20, so 2014 personal return
15 for Mr. and Mrs. Park.

16 Q Go to Schedule E, please.

17 A Schedule E, this again shows Bower Parkway
18 which was where Tsunami of Harbison was. And it
19 shows rents of 110,000. We have legal and
20 professional fees. We have mortgage interest, taxes
21 and depreciation. And that ended up showing a
22 rental loss of 3,292.

23 Q Show me on the next page which companies
24 reported either profit or loss.

25 A And so now we are at -- so Tsunami of

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1 Columbia shows a \$30 income.

2 Q Obviously call it winding down?

3 A Yeah, it wasn't closed out, which I
4 thought it was in '13, so something happened with
5 \$30. They may have had some -- who knows. I don't
6 know what it would have been.

7 Okay. So Three Guys Restaurant
8 does not show any loss on an income on there. I
9 don't know why that's still on there.

10 Q Explain to me Tsunami of Harbison, why all
11 of a sudden now --

12 A Yeah, so Harbison shows income of 91,867.
13 And SP700 which was formerly Tsunami of Columbia,
14 that shows income of 201,174 minus a 179 deduction,
15 again from write-off of equipment and furniture of
16 23,166.

17 Q What about losses?

18 A So there are three losses here, again,
19 Tsunami of West Ashley, 7,610; Yokoso of
20 Summerville, 47,642; and Sunny Company shows
21 162,030.

22 Q All right. Since this -- I mean, I could
23 keep introducing more exhibits, but I want now at
24 this point just to recollect, from 2014 to now,
25 which of these companies have sold?

1 A I need to see the list again.

2 Q I'll go through it.

3 A Well, okay, so from -- I can tell you
4 through 2017 because that is the last returns that
5 we did. Again, Michelle doing all the input, but I
6 was still involved with that.

7 From my recollection I think the
8 only two companies that he had owned either through
9 '17 or '18 would be -- I know he still has Yokoso of
10 Summerville, and he has Yokoso of North Charleston.
11 So I guess when Mr. Lee had closed down Katsu, then
12 Mr. Park came in I guess after the fact and took
13 that over --

14 Q Took over the building?

15 A Well, yes, I guess -- I don't know the
16 details of it, but I do know that he had or has
17 opened up, and I guess is still calling it Yokoso.
18 So the rest of those companies, so like SP700A, LLC,
19 I know, again, I couldn't tell you what year, I know
20 that had been sold.

21 Sunny Company was never sold, it
22 was just shut down. Yeah. They never did sell it
23 over. I think that's probably why -- I don't know
24 why that loss seems kind of --

25 Q High?

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1 A Yeah, but I don't know -- I don't remember
2 being -- it could have been that year.

3 Obviously, Tsunami of Harbison,
4 that sold at some point in time or was disposed of.
5 And when I say sold, I don't know for sure whether
6 things were sold or whether it was just, you know,
7 given back. Like I know Sunny Company was not sold,
8 it was just halted. I do know SP700A had sold.

9 Now, the Three Guys Restaurant,
10 I know that he still, at least, again, through at
11 least '17, I know that he still had -- he still had
12 that building, but that I want to say changed to a
13 different name because, again, I think what happened
14 was -- well, obviously he had prior partners in
15 that, but he ended up with the ownership. That's
16 the one, and that wouldn't have been Park and Lama.
17 So it's not really a company, it's more or less just
18 a holding company for that building.

19 Q Got it.

20 A But I know it's not called Three Guys
21 Restaurant anymore.

22 Yeah, West Ashley was just shut
23 down.

24 Q What do you mean, shut down?

25 A Well, meaning that it just was losing

1 money. I think what happened was is that he, from
2 my recollection from what Michelle had told me, was
3 that he was trying to sublease the space because he
4 was on the hook for the lease.

5 You know, obviously when you
6 sign you have a certain time frame. And so I want
7 to say that there was a sublease going on with that,
8 but he was still recognizing a loss because there
9 wasn't enough, you know, rents coming in to cover
10 what he had to pay out.

11 And so then eventually I guess
12 when his lease ended up, I'm assuming that he just,
13 obviously -- he didn't have an actual operating, you
14 know, restaurant there for a while. I know it just
15 was, it was done, he had shut down the company.

16 So it started out as a sushi
17 and -- restaurant, but the business ceased to exist
18 but he was still on the hook for the lease.

19 And I want to say he tried to
20 get somebody else in there to sublease and that
21 worked for a little bit until he was done with his
22 lease, I guess, and then it shut down.

23 Q Who was using that?

24 A I do not know. So probably end of last
25 year Michelle came to me and just said that she

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1 received an email from Mr. Park, said that basically
2 that his intention was to move to Charlotte and that
3 he wanted to find a local accountant there rather
4 than doing, you know, business here out of
5 Charleston if he was intending on moving up there.

6 Q Well, did he ever make a request for you
7 guys to transfer his tax records up there --

8 A Yes, I believe --

9 Q -- to some locations?

10 A I don't know if there was any transfer of
11 tax records. I know that he talked to Michelle, and
12 he asked that we send, you know, whatever we had
13 done for him, so -- so I said this in error, I said
14 that he -- I said that he stopped service with us in
15 '17. That wasn't true. He basically -- we had his
16 stuff in '18, and we did finish that up 'cause we
17 had billed it out every month, and so I believe that
18 she had finished up the input at least through
19 around October. I don't know whether -- I don't
20 think she got the last couple of months. But what
21 we would have provided was to the new accountant, we
22 would have provided all of the profit and loss
23 statements up to that point or whatever it was that
24 we had the information. But I cannot tell you
25 specifically the exact month that that ended.

1 I was pretty sure that wasn't
2 through November-December because we would have
3 received that, you know, December would have been
4 received sometime in January, and I'm almost
5 positive that that was not -- we didn't receive
6 that. So we must have completed it possibly through
7 the third quarter, maybe through September, but
8 might have been through October.

9 And she had handled the
10 reporting of all the sales tax. So we did -- I do
11 recall there being a charge to them because they had
12 asked for, even though we gave them copies, I do
13 recall there being a charge to send all of the
14 records to the new accountant, whoever that was. I
15 wasn't even aware of the name. But I do know that
16 we did that sometime at the end of the year.

17 Q Last question -- not last question, last
18 document. Can you identify that document?

19 A Well, it looks like the agreement between
20 Mr. Park and Mr. Lee to transfer over ownership or
21 relinquish ownership of their shares in the
22 companies.

23 Q Have you seen this document before?

24 A It does look familiar, but probably at the
25 time -- yeah, it does look familiar, but, again, it

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1 might have been one of those things that I received
2 either in the mail or via email from the attorney on
3 the agreement for sale and purchase.

4 Q And what's the date of the agreement for
5 sale and purchase?

6 A It is -- looks like it's been altered and
7 changed to February 27, 2013.

8 Q Okay. Thank you. I'm done. Thank you
9 very much.

10 A Sure.

11 MR. LESEMANN: Ready to keep rolling
12 or do you want a break?

13 THE WITNESS: Sure. No.

14 EXAMINATION

15 BY MR. LESEMANN:

16 Q Mr. Ulmer, my name is Ellis Lesemann. We
17 spoke briefly on the phone yesterday. I represent
18 Mr. Park and Mrs. Park in this action.

19 I'll have some questions to ask
20 of you, and we'll basically follow the same exercise
21 that you just did with Karen.

22 Before today, had you spoken
23 with Ms. DeJong before?

24 A No, not spoken. I think the only thing
25 that we had was requests for, you know, returns,

1 that sort of thing --

2 Q Sure.

3 A -- via, you know, through the mail.

4 Q Mr. Ulmer, when you produced documents in
5 response to the subpoena, did you do so via Dropbox
6 or some sort of share file, or did you do it on
7 paper, do you know?

8 A From what I can recall, I had it backed up
9 on a flash drive, and I remember dropping that off
10 here, or dropping it off. But I want to say it was
11 a different location. Does that sound right maybe?

12 MR. LESEMAN: Yeah, you moved
13 offices I think, right?

14 MS. DeJONG: Yeah.

15 A It was down Coleman. I remember that.

16 BY MR. LESEMAN:

17 Q If I send someone to your office in
18 Summerville with a thumb drive, can I get a
19 duplicate copy of what you had provided to Miss
20 DeJong?

21 A Well, I could give you whatever you
22 request. I don't know if I have the actual -- I'd
23 have to look and see. I mean, we should have the
24 actual paper that requested what returns, which
25 looks like was for these years that was in here.

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1 Because I do recall Mr. Lee had asked for returns at
2 one point in time and then eventually once the
3 subpoena came around, we provided that. But I would
4 have to look to see if I actually have the actual
5 form that shows what returns were requested or --

6 MS. DeJONG: I'm sorry, I can give
7 you the jump drive he gave to me.

8 MR. LESEMANN: Oh, okay. Oh, that's
9 great. That would be easy.

10 MS. DeJONG: I wasn't there, but he
11 gave it to my office. I can give it right
12 to you.

13 MR. LESEMANN: Yeah. Okay. Super.

14 BY MR. LESEMANN:

15 Q You just mentioned that Mr. Lee had
16 requested tax returns from you as well, separate
17 from that subpoena, I believe.

18 A Yeah, but that was like, I think,
19 beforehand. I don't know whether he had worked with
20 a different attorney at one point in time. So
21 again, recollection, I can't quite remember, but I
22 want to say that I had printed up information for
23 him, but it could have been for Miss DeJong, I don't
24 quite remember.

25 Q Okay. What year, if your recollection is

1 that it was Mr. Lee, about what year was that?

2 A Nineteen, probably back, it's been several
3 years now I know. But I couldn't tell you the exact
4 year, date, or whatever that was.

5 Q And so as we've gone over the documents
6 today, Mr. Lee was a client of your firm, is that
7 true?

8 A Correct.

9 Q And is he a client of your firm at this
10 time?

11 A Not as of right now, no.

12 Q Do you know offhand the last year in which
13 you would have filed either corporate returns for
14 Yokoso, Inc. or Katsu, LLC or for Mr. Lee and his
15 wife personally?

16 A I believe that '16 would have been the
17 last year. 2017 -- now, the Katsu stuff I think
18 had, whenever that had ceased to exist, you know, we
19 filed returns for that year, and then he had another
20 entity created for another restaurant, but then that
21 one also closed down. And I'm pretty sure that the
22 last would be that the last ones that we had done
23 were through '16, I think '17 primarily because we
24 had issues of money that was due to our office, and
25 so we could not proceed to file or return anything

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1 on there.

2 So we were doing, you know,
3 monthly, you know, sales tax -- basically, all we
4 were actually doing was just monthly sales tax
5 reporting. But when it came down to doing the
6 actual return, for us to do the input and we already
7 had this balance that was due, so we pretty much had
8 to tell Mr. Lee that we couldn't proceed any further
9 without getting payment for the past due balance and
10 then to get money, and he wasn't able to provide
11 that for us, so.

12 Q Was that balance ever paid?

13 A No.

14 Q What was the name of the other entity I
15 think separate from Katsu, LLC that would have been
16 another operating restaurant?

17 A Yeah, it was Hana or Hana, H-a-n-a, Hana
18 Enterprises, LLC.

19 Q What's your knowledge about the fate of
20 Hana Enterprises in terms of a going concern? Do
21 you know if it continued in operations? Did it
22 close?

23 A Yeah, it closed at some point in time.
24 Again, Michelle Moody handled the books for that.
25 But at some point in time it just ceased to operate.

1 Basically, it was shut down. But I don't have any
2 knowledge, or I don't know what the reason would
3 have been other than that, you know, business was
4 not good and eventually he had to shut that down,
5 but I don't know why.

6 Q Okay. So I did mean to ask you, similar
7 to how you described before that there was
8 essentially a transition between your having, I'll
9 call it primary responsibility for these returns to
10 where Michelle had taken on that responsibility,
11 similar for Mr. Lee and his entities, did Michelle
12 also sort of overtake --

13 A Right.

14 Q -- a primary role on preparing those
15 returns and financial statements as well?

16 A Correct.

17 Q Okay. Do you recall, did your firm ever
18 prepare financial statements and tax returns for
19 Mr. Lee's dry cleaning business?

20 A That was -- I know we did at one point in
21 time. When I came on, I don't exactly remember when
22 that occurred, but I know that he had sold that over
23 to Mr. Kim, Paul Kim, who I believe is Sunny's
24 brother. So Mrs. Park's brother. So -- which we
25 still do information -- or we still do his tax stuff

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1 right now. But I don't know what year that was.

2 You know, I started in the firm
3 December of '96. I know that Mr. Lee was a client
4 before I came on. And I don't know when Mr. Kim had
5 taken over. I want to say it might have been around
6 the '99 range that he actually took over filing his,
7 you know, the company for that he owns now, but I
8 wasn't involved at that time. Like I said, there
9 was a prior person, Steven Fish, he's been long gone
10 from the company, he handled basically all of the
11 bookwork then.

12 Q When your firm would communicate with
13 Mr. Lee, was it always in the English language?

14 A Yes. That's all I know.

15 Q Did he ever bring Korean translators with
16 him to meetings with you?

17 A Not that I recall a Korean translator. I
18 mean, he would, sometimes would have somebody with
19 him because trying to explain particularly on the
20 tax level of that, I mean, I don't remember who that
21 would have been. And mainly that was more than
22 likely, that was after when him and Mr. Park had
23 split. I know that when he had tried to do his own
24 business, that he would have somebody with him that
25 would try to explain what I was explaining, you

1 know, for example, if he showed profit, you know,
2 trying to explain why that was, so to speak.

3 But before that, the taxes that
4 were where he was in a sense filing with Mr. Park as
5 partners in those companies, I never recall or
6 remember having a conversation where he would come
7 in separately and then we would discuss that without
8 Mr. Park. So in other words, it was pretty much the
9 businesses were discussed, you know, mainly with
10 Mr. Park and then Mr. Lee would just come up and
11 sign for his returns. There was really no
12 discussion.

13 My assumption or thought was is
14 that, you know, Mr. Park or Sunny would explain to
15 him, you know, if there was tax due, why -- you
16 know, what he had to pay or if there was a refund
17 coming in, that sort of thing, so.

18 Q Did you consider yourself free to speak
19 directly with Mr. Lee?

20 A Sure.

21 Q Okay. And from time to time, did you
22 speak directly with Mr. Lee?

23 A During what period of time?

24 Q Really from let's say from 2010 through
25 the time when he no longer worked with your firm?

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1 A Yeah, I mean, we've had conversation,
2 sure.

3 Q Okay. And you mentioned the idea about
4 the entity showing profit was even after the
5 agreement between Mr. Park and Mr. Lee that divided
6 up those entities and properties.

7 A Um-hum.

8 Q Was there sort of ongoing conversations
9 with Mr. Lee ever to explain why businesses were
10 showing profit, because he might have thought, well,
11 gosh, I didn't really get this in my pocket, how is
12 it that it's profitable?

13 A After he was no longer a partner?

14 Q After he had -- once he had Katsu and
15 Yokoso, Inc. and those types of things.

16 A Right, so you're talking about after the
17 separation --

18 Q Yes.

19 A -- when they had the agreement?

20 Q Yes.

21 A Well, I never discussed with him the
22 businesses that he was no longer, you know,
23 associated with, never.

24 Q Right. And I mean more of this concept
25 of, okay, my business is showing a profit on paper,

1 but I don't feel like it was profitable because I
2 didn't put any money in my pocket.

3 Is that a discussion you ever
4 had with Mr. Lee after the separation?

5 A Yeah. I wouldn't have had those
6 discussions. Michelle pretty much had taken over --
7 when he opened up Katsu, so when he retook over
8 Yokoso and started up Katsu, those discussions would
9 have been with Michelle. I don't remember having
10 any conversation with him directly between myself
11 and him about if the company showed profit or if
12 they showed loss, how that affected him. She pretty
13 much handled the tax returns from that point on.

14 Q Okay.

15 A So it would have only been from the prior
16 years whenever he was -- basically, what happened
17 was when -- and even before that, like I said,
18 Michelle -- I'm trying to think if she started in
19 '13 with us. But basically, she's the one that had
20 started taking over that. So when he switched over
21 to the new company, I really had very little to do
22 with that or had very little discussions to deal
23 with that. It was mainly through her.

24 Q Okay. Do you recall there ever being an
25 occasion where Mr. Lee asked a question of you that

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1 you refused to answer relating to any of these
2 businesses?

3 A No. Like I said, the only -- no. Because
4 there was never any asking of, you know, what's Park
5 doing, how is this doing? And even if there was, we
6 would have said no. I don't recall ever having
7 conversations like that.

8 Q Okay. Are you available to clients like
9 Mr. Lee if they want to call you and ask questions
10 about their businesses and the tax returns?

11 A Right. If they're -- if they're talking
12 about their returns, absolutely.

13 Q Right. Not about someone else's business?

14 A Of course. In other words, Michelle
15 handles the input and everything, she does the tax
16 returns, but I've dealt with them for a long time so
17 there would be times when Michelle wouldn't be in
18 the office and so, you know, Mr. Lee would, you
19 know, come in and, you know, want to ask a question
20 or two. So certainly I'm available for that,
21 absolutely.

22 Q Okay. All right. Now, Ms. DeJong showed
23 you the agreement that was entered between Mr. Lee
24 and Mr. Park. And just so that I can understand,
25 you don't have any opinions or beliefs as to whether

1 the division of assets was fair, unfair or
2 otherwise, do you?

3 A Okay. So you're asking whether I
4 personally feel that what he received and what
5 Mr. Park received was unfair?

6 Q Right.

7 A Yeah, I have an opinion on it.

8 Q Okay. And your opinion is based on what?

9 A Well, based upon what I know, Mr. Park had
10 received or what he took over compared to what
11 Mr. Lee had. So in other words, if I were to -- if
12 I were to take a look at a return and I would say,
13 okay, Yokoso, Inc. profited X amount of dollars, I
14 wasn't aware of valuation per se of what the
15 building was worth, but when I looked at what the
16 other companies had profited, some obviously losing
17 and some profiting, yes, my initial thought would
18 have been there's a lot more profit here to be made
19 compared to one location.

20 Q Sure. Okay. And how about with the risk,
21 how does the risk get divided in that circumstance?

22 A Well, then the flip side to that is what a
23 person is taking over as far as risk, meaning that
24 when you have a company that is, say, losing money,
25 and I can't recall exactly from one of the

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1 companies, but there certainly is risk with that
2 because the question is what is that person -- is
3 Mr. Park inheriting, for example, he's still got a
4 five-year lease with this company, the company's not
5 doing well, so he may be on the hook for, you know,
6 years worth of rent that may be due.

7 Taking over the buildings and
8 stuff to me, again, depending on what the economy is
9 doing, well, is the economy good enough that the
10 building can be sold without having to be sold at a
11 loss, or is there appreciation that's, you know,
12 built into that?

13 You know, those are the things
14 that when it was asked before about, you know, did I
15 ever go through and do an evaluation, all I can do
16 as an accountant is take a look at what this company
17 is, you know, obviously making bottom line. And
18 then obviously the determination of assets which
19 generally when you have a restaurant, you know,
20 equipment, furniture and fixtures, those things are
21 not going to carry any value. The value is in
22 either the property owned or the repeat business
23 that business generates or has, you know, done on a
24 regular basis.

25 So obviously if the economy is,

1 you know, picking up or doing halfway decent, then
2 the ones that are having positive cash flow are
3 going to do well.

4 When the economy's not, then
5 they're going to have a negative cash flow, which,
6 again, if you take on five or six companies, you do
7 run the risk that two or three of these companies
8 could be a burden and bring down the other companies
9 or, you know, overall to the valuation from that.

10 But I never did make an actual
11 evaluation to say, okay, well, Yokoso is probably
12 worth this and these companies are worth that. But
13 from a standpoint of profitability, I saw what the
14 returns were producing, and so the potential for
15 Yokoso, Inc. in North Charleston I thought was
16 possibly there, but I thought that overall some of
17 the other companies together, the valuation could
18 have been a lot more.

19 Q But you haven't conducted any valuations?

20 A Well, no, of course not.

21 Q All right. And Mr. Lee didn't ask you to
22 conduct any valuations?

23 A No.

24 Q All right. And Mr. Park didn't ask you to
25 conduct any valuations?

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1 A No.

2 Q Mr. Lee's attorney didn't ask you to
3 conduct any valuations?

4 A No.

5 Q All right. Now let's look about this.
6 What's the difference from a practical standpoint, I
7 know you run an accounting firm and not a
8 restaurant, but what's the practical implications of
9 taking on the operations of five restaurants versus
10 one in terms of the personal burden that that's
11 going to create?

12 A Well, that's, again, you're depending on
13 what your -- depending on how the economy is at that
14 particular time, you know, restaurants can be a cash
15 flow burden, meaning that -- which has happened
16 throughout, you know, the course from when they
17 originally had started. You could have some that
18 are, again, not covering its cost and, therefore,
19 you would need to have another company in a sense
20 make up for that difference.

21 So there is a -- there's a
22 higher risk depending on if you were to evaluate
23 what those companies, say over the last couple of
24 years, have profit or loss, and for me I would take
25 a look and say, are we going into an economy that's

1 stagnant, or does the economy seem like it's
2 growing, or does it seem like it's reverting back?
3 Because if the economy's reverting back, then
4 obviously the risk is going to be higher which could
5 create, you know, more worse cash flow which could
6 be a burden to the person or people who are taking
7 that on.

8 Q Right.

9 A So at that point in time in 2013, like I
10 said, I never did a personal evaluation per se to
11 go, well, I think that, you know, Yokoso of
12 Summerville is doing well and it's got a building
13 and it's, you know -- I have no clue what the
14 valuation was on that.

15 But to answer your question
16 about that, there is certainly more greater risk
17 because you're talking about taking on -- unlike a
18 lease which, you know, obviously can be broken and
19 still be a burden to you, when you have a mortgage
20 payment of substantiation particularly with, say,
21 Yokoso of Summerville. Obviously, if the business
22 doesn't do well, then obviously you're going to have
23 problems or issues making those debt payments.

24 Q Restaurants don't run themselves, do they?

25 A Absolutely not.

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1 Q All right. And it would take a
2 significant personal sacrifice in order to operate
3 five different restaurants in essentially five
4 different cities?

5 A Of course.

6 Q Okay. And so could that be something that
7 an individual might factor into their decision when
8 making -- when deciding how to divide up some
9 assets?

10 A Yes. Because you have to obviously pay
11 people, where if you were just running one
12 restaurant on your own and you have five restaurants
13 or whatever to keep up with, that your cost is going
14 to be higher to hire the right and correct personnel
15 to run those.

16 Because if I had five accounting
17 locations, I can't run them all by myself. I cannot
18 operate those. I have to hire a manager, obviously,
19 or a person in that control. So that does create
20 more of an expense from there. However, you know,
21 that also depends on whether the company does
22 substantially -- in other words, a restaurant just
23 doesn't make money without it being properly run.
24 So in other words, you have to have the right
25 personnel in there.

1 If you hire the wrong people,
2 you know, aren't involved on a regular basis,
3 certainly, those restaurants are not going to
4 succeed as well as if you are involved on a regular
5 basis.

6 Q So the mere fact that Mr. Lee's
7 restaurants may have closed and some of Mr. Park's
8 restaurants did not, does that in and of itself say
9 anything to you in terms of the underlying value of
10 the assets?

11 A No. I think when you take over a company,
12 the question is is that what changes? In other
13 words, if you have an owner that they're used to
14 dealing with, and then you have a new owner, or I
15 say new owner, but you have an owner that now comes
16 in that they may not be used to dealing with, you
17 could have personnel change.

18 You might have some people that
19 say, I like working for this person, but I can't
20 work for this person, and then they leave. Or that
21 new person could come in, make personnel changes, or
22 change things on the business that could affect, you
23 know, the way that it operates, meaning that, you
24 know, a lot of times, sometimes if you change the
25 decor into a restaurant, that could bring new

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1 business in. People like, oh, you need to go see
2 this, they have new -- or it could actually do the
3 opposite.

4 So that's obviously up to the
5 new owner on what they decide to do, whether they're
6 going to leave it the same, whether they're going to
7 change the name, lot of factors can factor into
8 that, so.

9 Q Do you have any opinion as to whether
10 Mr. Lee properly managed Yokoso and Katsu and Hana
11 Enterprises after -- in 2013 and thereafter?

12 A I can't say that -- I can't really have an
13 opinion on that whether he mismanaged it. I mean,
14 that's for somebody to make that determination if
15 the restaurants didn't succeed. The question is
16 what was the cause of that? Was it the economy?
17 Was it personnel, major personnel change, was it a
18 matter of mismanagement? I mean, certainly, there
19 could be all factors in there certainly.

20 Q Okay. And those factors would be separate
21 from what the underlying valuation of the business
22 may have been in February of 2013?

23 A Right. So if you have two people that are
24 going to separate, and this person's taking on this,
25 this person takes on this, then you've obviously

1 made your determination that you didn't want any
2 part of those companies and you wanted to solely
3 take this. So that obviously puts out there that
4 the choice was made to -- in other words, the
5 agreement was made that this was what I will take
6 on, and this is what I will take on.

7 Now, certainly if a person
8 doesn't do due diligence and let's say -- it's
9 almost like me buying a rental property or let's say
10 a property I want to rent, and I'm not involved in
11 that, I never have been, or hasn't been involved.
12 If I were to buy that property and then that
13 property all of a sudden I found out without doing
14 proper inspections, you know, it's got mold, it's
15 got issues with the flooring, you know.

16 So all of a sudden I might have
17 inherited a problem. But was that due diligence
18 done, was there any investigation, was there any
19 valuations that were done based upon audits of
20 books?

21 You know, if you take a look at
22 a financial statement, financial statement's only as
23 good as the information that's given. So if the
24 financial statement was to show that this is what
25 this business has profited or has been doing, then

EXHIBIT F

In The Matter Of:

Lee v.

Park

COPY

James Park

November 15, 2018



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1 STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
2 COUNTY OF CHARLESTON) CASE NO. 2017-CP-10-3705

3
4
5 HO DONG LEE,)
6 Plaintiff,)
7 -versus-)
8 YONG WOOK PARK AND SUNNY KIM)
9 PARK,)
10 Defendants.)

11
12
13 WITNESS: JAMES PARK
14 DATE: Thursday, November 15, 2018
15 TIME: 10:08 a.m.
16 LOCATION: DeJong Law Firm
17 222 West Coleman Boulevard
18 Suite 110
Mount Pleasant, South Carolina
29464-5652
19 REPORTED BY: Janice D. Hayward, RMR
20 NCRA Registered Merit Reporter
21 101 Dorchester Court
Charleston, South Carolina 29418
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Also Present

Ho Dong Lee
Sunny Kim Park
Seon Hee Park
Richard Rodriguez

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James Park - November 15, 2018

4

1 MS. DeJONG: We're gathered here
2 today for the deposition of Mr. Park. And
3 if we can go around the room and just say
4 our name and spell it for the record
5 starting with Mr. Park.

6 THE WITNESS: James Park, P-a-r-k.

7 MS. DeJONG: Is that your legal name?

8 THE WITNESS: Yes.

9 MS. DeJONG: Next is --

10 MR. LESEMAN: Ellis Lesemann as
11 counsel for the defendants.

12 SEON HEE PARK: Seon Park.

13 MS. DeJONG: Spell it, please.

14 SEON HEE PARK: S-e-o-n, last name
15 Park, P-a-r-k.

16 RICHARD RODRIGUEZ: Richard
17 Rodriguez, R-o-d-r-i-g-u-e-z.

18 HO DONG LEE: Ho Dong Lee. H-o
19 D-o-n-g, last name Lee, L-e-e.

20 HYON KIM: Mine is H-y-o-n K-i-m,
21 Hyon Kim.

22 MS. DeJONG: And then Karen DeJong,
23 attorney for Mr. Lee.

24 (James Park, after being sworn, testified
25 as follows:)

EXAMINATION

BY MS. DeJONG:

Q Mr. Park, could you please give me your street address.

A 1786 Cherokee Rose Circle, Mount Pleasant, 29466.

Q Have you ever been deposed before?

A Couple time I guess. I don't remember. Yeah.

Q Do you remember what cases those were, or?

A Some like restaurant issue, you know.

Q Well, I'm going to ask you questions. If you don't understand the question, ask me to rephrase it or word it a different way.

A Yeah. Yeah.

Q Let me finish my question before you answer so that the court reporter can take both of our testimony down.

A (No audible response.)

Q If you don't understand a question, don't guess. And anything you say today could be used at trial.

Are you under the influence of any medication or anything that could affect your ability to tell the truth today?

6

1 A I don't understand.

2 Q Are you able to answer the questions
3 truthfully today?

4 A Yes.

5 Q Are you taking any medication?

6 A Medication? No.

7 Q Medicine.

8 A Yeah, medicine?

9 Q Yes.

10 A Today?

11 Q Yes.

12 A What do you mean, take medicine?

13 Q Did you take any medicine today?

14 A Yes, I do.

15 Q What kind of medicine?

16 A Fish and then ...

17 SEON HEE PARK: Fish oil.

18 MS. DeJONG: You can't answer for
19 him, okay?

20 A Fish oil, yeah, fish oil.

21 BY MS. DeJONG:

22 Q Okay.

23 A Fish oil and, what that other one --

24 Q You can't talk to anybody during the
25 deposition.

1 (Conversation between witness and Hyon
2 Kim.)

3 BY MS. DeJONG:

4 Q And your attorney's sitting right next to
5 you --

6 A I can't talk to him?

7 Q Well, no, you can't, but he can object at
8 times and ask for clarification.

9 How do you know Mr. Lee?

10 A He mainly my assistant.

11 MS. DeJONG: Jan, if you don't
12 understand, make sure you speak up.

13 A So he's basically my brother-in-law.

14 BY MS. DeJONG:

15 Q Do you recall when they were married?

16 A What's that?

17 Q Do you remember when you met Mr. Lee for
18 the first time?

19 A What do you mean?

20 Q When did you meet Mr. Lee?

21 A I guess, I don't know, in Korea long time
22 ago.

23 Q Where were you born?

24 A Korea.

25 Q And what year was that?

James Park - November 15, 2018

8

1 A '66.

2 Q When did you -- and that's when you met
3 Mr. Lee?

4 A No, I born in '66.

5 Q You were born in Korea in '66?

6 A Yes.

7 Q And did you meet Mr. Lee --

8 A I don't remember, okay, that's too long.

9 Q Okay. But let me finish my question
10 before you answer.

11 Did you meet Mr. Lee in Korea?

12 A Yeah, I think, I think at one time, I
13 don't remember, okay, it's been a long time ago.

14 Q And what was your sister's name?

15 A Choon Hee Park.

16 Q Spell it, please.

17 A C-h-o-o-n H-e-e P-a-r-k.

18 Q You're going to have to lower your voice a
19 little bit, okay?

20 A What kind of question is that? I mean --

21 Q So when did you -- so when did you come to
22 the United States?

23 A 1984.

24 Q And did you apply for US citizenship?

25 A Yes.

1 Q And do you have a US citizenship?

2 A Yes.

3 Q When did you receive that?

4 A I don't remember.

5 Q Well, was it last year? Was it --

6 A Long time ago.

7 Q Long time ago.

8 So if I asked for a copy of that
9 document showing you are a US citizen, you would
10 have that?

11 A Yeah, I have at my house.

12 You immigration office or what?

13 Q Excuse me?

14 A Why are you asking me my stuff?

15 Q I think you need to talk to your attorney,
16 so let's go off the record.

17 A Go ahead.

18 Q No, no.

19 A Why you asking my American citizen stuff?

20 MS. DeJONG: Let's go off the record.

21 (The deposition went off the record.)

22 BY MS. DeJONG:

23 Q You testified that you had moved to the
24 United States in 1984. Where did you move to?

25 A Charleston, South Carolina.

James Park - November 15, 2018

10

1 Q And how long did you live there?

2 A How long?

3 Q Yes.

4 A Okay. '84 minus 19 -- okay. You talk
5 about Charleston or Mount Pleasant?

6 Q Charleston, you just said you moved in '84
7 to Charleston.

8 A Yes.

9 Q How long were you in Charleston?

10 A Charleston, probably like 20 year, 20
11 year, and then I moved to Mount Pleasant, so.

12 Q What is your education?

13 A Education?

14 Q Yes.

15 A Korea.

16 Q I don't know what kind of school.

17 A High school.

18 Q You graduated from high school. What year
19 did you graduate from high school?

20 A I'm not graduate. I was in junior.

21 Q Okay. So you did not graduate from high
22 school?

23 A Yeah. No. No. No.

24 Q All right. When you came over to the
25 United States, tell me about your work experience

1 now. Just go back 20 years. Basically, what have
2 you done as far as employment?

3 A Working restaurant.

4 Q And just tell me exactly what that means.

5 A What does that mean? What do you want to
6 know?

7 Q Well, did you own restaurants?

8 A No.

9 Q Okay. So let's start with -- well, what
10 kind of restaurants did you work for?

11 A I worked in Japanese restaurant.

12 Q And could you just give me the name of
13 those Japanese restaurants?

14 A Yeah. Yoko.

15 Q Spell.

16 A I don't know, it's been a long time ago.

17 Q Say it again.

18 A I don't remember, it's been a long time
19 ago.

20 Q No, the name of the restaurant?

21 A I think Y-o-k-o, or Y ...

22 Q You can't move your head.

23 A No. Okay. Japanese restaurant. That's
24 it. I don't remember. I don't want to think about
25 it.

James Park - November 15, 2018

12

1 Q Where was it located?

2 A West Ashley.

3 Q Then after that?

4 A After that, open Yokoso.

5 Q Yokoso. Where was that restaurant
6 located?

7 A North Charleston.

8 Q And do you recall what year you opened it?

9 A 2000, I guess.

10 Q Was Mr. Lee an owner of the company with
11 you?

12 A Yes.

13 Q What other companies did you open?

14 A You talk about restaurant?

15 Q Yes.

16 A That time, or since now?

17 Q Since then, yeah.

18 A Yokoso and Tsunami.

19 Q Is the restaurant called Yokoso Tsunami or
20 just Tsunami?

21 A Tsunami.

22 Q When was that opened?

23 A I don't remember. Two thousand probably
24 two.

25 Q Was Mr. Lee co-owner of the company?

Janice D. Hayward, RMR
843.478.6756

1 A Yes.

2 Q Next restaurant that you opened?

3 A Yeah. I think Mount Pleasant Tsunami, I
4 guess.

5 Q Do you recall when that was opened?

6 A No, I don't remember.

7 Q Was Mr. Lee co-owner of that company?

8 A I don't remember.

9 Q With regards to Yokoso, you said that
10 Mr. Lee was a co-owner, do you recall what percent
11 he owned? Was it 50/50?

12 A Yes.

13 Q With regards to Tsunami, was it 50/50?

14 A Yes.

15 Q With regards to Mount Pleasant Tsunami,
16 was it a 50/50?

17 A I don't know, he owned one. I'm not sure
18 if he owned that time or not, okay?

19 Q That's fine. Like I said, don't guess if
20 you don't know.

21 A Yeah.

22 Q Next restaurant?

23 A Next is a Columbia, Harbison Tsunami.

24 Q Did Mr. Lee co-own it with you?

25 A Yes.

James Park - November 15, 2018

14

1 Q And was it 50/50?

2 A Yes.

3 Q Okay.

4 A And then I think Columbia Tsunami, yeah,
5 Columbia Tsunami. I think that's 50/50 too.

6 Q Okay. Next, please.

7 A And then Summerville Yokoso, 50/50.

8 Q Well, you already testified that he
9 co-owned Yokoso 50/50. Is this a different Yokoso?

10 A Yes. Summerville restaurant, different
11 location.

12 Q What location is this location you just
13 said?

14 A Summerville.

15 Q Oh, Summerville. All right.

16 A That's it. I guess.

17 Q So let's start with Yokoso, Inc. All
18 right. If you could look at this document and
19 identify it for me.

20 A Yes.

21 Q And what is that document?

22 A State of South Carolina.

23 Q And what is the purpose of that document?

24 A Secretary state -- of state.

25 Q And what company is it for?

1 A Yokoso, Inc.

2 Q And can you just tell me what date that
3 company was filed with the Secretary of State?

4 A Yeah, 2000, May 5th.

5 Q Thank you.

6 If you go to the second page at
7 the top it's called articles of incorporation. If
8 you could go to the bottom, number six. Who is
9 Bruce B. Hubbard?

10 A I don't know.

11 Q You don't recall that name?

12 A No.

13 Q Was that your attorney at the time?

14 A I don't know.

15 Q Okay.

16 MS. DeJONG: Go ahead and mark that
17 as Exhibit 1.

18 (Marked for identification was Plaintiff's
19 Exhibit 1.)

20 BY MS. DeJONG:

21 Q All right. So for each company I'm going
22 to probably ask the same questions. So what was the
23 purpose of Yokoso, Inc.?

24 A Restaurant.

25 Q Japanese restaurant?

16

1 A Yes.

2 Q You already testified that you both owned
3 50 percent ownership in that company, correct?

4 A Yes.

5 Q Do you know what an operating agreement
6 is?

7 A Yeah.

8 Q Was there an operating agreement for
9 Yokoso, Inc.?

10 A I don't know, you ask him.

11 Q Ask who?

12 A Mr. Lee.

13 Q The court reporter can't take gesture.

14 A Okay, I don't remember. 2000, okay, 2000,
15 you know, I'm not computer, how can I remember that.
16 You need to talk to my accountant, and he have all
17 the information for you.

18 Q Who's your accountant?

19 A Chris Ulmer.

20 Q Is he a certified public accountant?

21 A Yes.

22 Q He's a CPA?

23 A Yeah, he know better because he hire
24 before that, me.

25 Q When you point, she doesn't know who

1 you're talking --

2 A Mr. Lee hired that guy. He used to be dry
3 clean owner, and he the one using him long time and
4 then take over.

5 Q Do you have a bookkeeper for your company?

6 A Bookkeeper, Chris Ulmer.

7 Q Well, who does the -- writes the -- pays
8 the bills and makes the deposits for Yokoso when it
9 was open?

10 A Open? Deposit?

11 Q Yeah. Who made the deposits?

12 A What kind of deposit you talking about?

13 Q Well, at the end of the night you close
14 out the register and you take the cash out.

15 A You don't deposit, it's automated computer
16 through that checking account. I don't take the
17 check, so I don't do deposit thing. You know,
18 everything credit card, so credit card merchants
19 always go through the checking account, whatever the
20 business account at.

21 Q All right. Who in your company pay the
22 rent and pay the electric and pay for the inventory?

23 A That's -- you have three people working
24 with us, office.

25 Q Who was in charge of making sure that all

18

1 the bills --

2 A Sunny.

3 Q Okay.

4 A And Mr. Lee, too, okay. He's the owner,
5 too, he check.

6 Q Tell me about your duties and
7 responsibility for Yokoso, Inc. What was your role
8 in the company?

9 A Me?

10 Q Yeah.

11 A I'm doing exactly what Mr. Lee doing. I'm
12 just -- I'm not working inside restaurant, just
13 helped him out. So basically my manager, just like
14 Mr. Lee same thing, you just talk to manager and
15 talk to me, that's it, just talk, talk, talk, talk,
16 talking.

17 Q I'm asking you what was your job at
18 Yokoso, Inc., your job?

19 A My job?

20 Q Yeah.

21 A Make sure everything okay.

22 Q So would you call yourself the manager?

23 A Yeah, talk to manager and talk to Mr. Lee.

24 Q We're not talking about Mr. Lee right now.

25 A You're asking me so I'm telling. That's

1 my job.

2 Q All right. Did you --

3 A I have to report to him. He's my partner,
4 our partner.

5 Q Did you receive a paycheck for this
6 company?

7 A I don't get my paycheck too.

8 Q I didn't ask you that. I asked you if you
9 received a paycheck with Yokoso, Inc.?

10 A Yeah, sometime you got paycheck, sometime
11 not, but I don't have paycheck either. Depending on
12 accountant say, then take the paycheck. And exactly
13 I do, me and Mr. Lee, same thing, 'cause 50/50, you
14 know.

15 Q So were you in charge of making sure there
16 was enough inventory to run the restaurant or who's
17 in charge of that?

18 A Manager.

19 Q Who was the manager?

20 A Manager? At that time Long, yes.

21 Q Spell it.

22 A I don't know.

23 Q Say it again.

24 A Long.

25 Q What's the last name or is that the last

20

1 name?

2 A I don't remember the last name. I
3 think -- yeah, I don't remember, yeah.

4 Q Did you cook in this restaurant?

5 A Me?

6 Q Yes.

7 A Yeah, first time, but I don't cook
8 anymore.

9 Q Were you a waiter at the restaurant?

10 A No.

11 Q Did you do dishes at the restaurant?

12 A Yes, sometime busy, you have to do
13 everything, but most times not my job, okay. When
14 you're busy you have to do everything, doesn't
15 matter what kind of job you do, you're the owner.

16 Q So did this company produce income each
17 year?

18 A You ask my accountant.

19 Q When you say accountant, you say
20 Mr. Ulmer?

21 A Yes. Okay? I don't know. I make money.
22 I'm not sure, that depend on account. I keep all
23 the paperwork. And then I say, oh, yeah, I make
24 money, or yeah, I make money, or no.

25 Q Are you saying that Mr. Ulmer was aware

1 there was a 50/50 percent ownership?

2 A Yes, they're the ones set up the company I
3 guess, and then he the one divide it.

4 Q Tell me what happened, did there come a
5 time where Mr. Lee was bought out of this company?

6 A What is it?

7 Q Did there come a time where Mr. Lee was
8 bought out of the company?

9 A Um-hum.

10 Q Did there come a time when you bought his
11 50 percent share in the business?

12 A Um-hum. What you mean? What does that
13 mean? What kind of question is that? You said
14 what?

15 Q Does he still own 50 percent of the
16 company?

17 A Yes.

18 Q So Mr. Lee owns 50 percent of Yokoso, Inc.
19 as of today?

20 A Yes. What's that, today?

21 Q Yeah.

22 A What do you mean, today?

23 Q As of today, does Mr. Lee own 50 percent
24 of the company?

25 A Mr. Lee no more longer I think restaurant

22

1 owner.

2 Q What happened to the company?

3 A I don't know. I mean, he cannot make it
4 so he foreclosed, I guess.

5 Q You have to explain that.

6 A What's that mean, what kind of question is
7 that?

8 MS. DeJONG: You're going to have to
9 leave if you don't stop.

10 SEON HEE PARK: I'm just laughing.

11 MR. LESEMANN: She's not doing
12 anything.

13 MS. DeJONG: Yes, she is. You're --

14 SEON HEE PARK: You're laughing too.

15 MR. LESEMANN: Karen, I don't know
16 what --

17 SEON HEE PARK: You don't see them.

18 MR. LESEMANN: It's fine. We're all
19 dealing with folks, this is their second
20 language, right? And so it's --

21 THE WITNESS: Yeah, I can't
22 understand.

23 MR. LESEMANN: It's going to be a
24 process, but Sunny, she's been named, I
25 don't know why, she's been named as a

1 defendant so she has the right to sit
2 through this deposition.

3 MS. DeJONG: I don't have a problem
4 with that, I just need everybody to be
5 professional.

6 THE WITNESS: Don't call you
7 anyway --

8 SEON HEE PARK: You see me straight,
9 but you don't see her.

10 HYON KIM: I'm not acting like you.
11 I was just smiling at you because you were
12 laughing.

13 SEON HEE PARK: My husband --

14 HYON KIM: Okay. I won't do it.

15 MS. DeJONG: Just be just like
16 Mr. Lee is, Mr. Rodriguez, the attorneys.

17 A I call you you, you're not happy.

18 BY MS. DeJONG:

19 Q Excuse me?

20 A I call you you, you're not happy, right?

21 Q I don't understand. I have an interpreter
22 here, do you want to use her?

23 A Yeah.

24 (Conversation between witness and Hyon
25 Kim.)

1 A You talk to her, you live at this place
2 why don't you use her name? Why is it just a you?
3 What if I call you "you," you happy? Anyway, let's
4 just move on.

5 HYON KIM: He just feel like a little
6 bit insulted or he's just -- he's upset
7 because you are calling him --

8 THE WITNESS: My wife you call you?

9 HYON KIM: It's just like a Korean
10 thing.

11 MS. DeJONG: Yes, but we're not in
12 Korea.

13 HYON KIM: The way that you address
14 them, like I say you do this, you do that,
15 so he just got upset. That's what he's
16 saying.

17 A I call you, you're happy.

18 BY MS. DeJONG:

19 Q I'm asking you what happened to Yokoso,
20 Inc., what happened to that restaurant?

21 A What happened?

22 Q Um-hum.

23 A When? When you talking about? When?

24 HYON KIM: I'm sorry to disturb you
25 but I'm just trying to explain to you.

1 When she says you, he's directing you the
2 question.

3 A What year you talk about?

4 BY MS. DeJONG:

5 Q I'm asking about as of today is Yokoso,
6 Inc. still running?

7 A No.

8 Q When did it stop running?

9 A I don't know. You have to ask Mr. Lee.

10 Q Did you sell the business?

11 A Me?

12 Q Yeah.

13 A Mr. Lee, I buy.

14 Q You bought --

15 A I bought that in the normal Yokoso, Inc.
16 different companies, don't called Yokoso, Inc.
17 anymore. You keep saying Yokoso, Inc. It's no
18 longer Yokoso, Inc. Yokoso, Inc. company's no
19 longer, done.

20 Q I understand that. I just want to know,
21 did you sell it?

22 A No. Why I have to sell it? I buy it. I
23 just bought it a couple years ago.

24 Q Okay. So --

25 A And you keep saying Yokoso, Inc., but not

26

1 Yokoso, Inc. anymore, okay? Done.

2 MR. LESEMANN: Karen, so that I'm not
3 saying anything in front of the witness,
4 maybe I can take a second with you and I
5 can explain to you I think what he's
6 trying to explain, and it won't influence
7 the testimony at all.

8 MS. DeJONG: Sure.

9 (Recess.)

10 BY MS. DeJONG:

11 Q With regards to Yokoso, Inc., did there
12 come a time when Mr. Lee was the sole owner of the
13 company?

14 A I don't understand. I don't know, what
15 question is that?

16 Q I don't mind if you actually ask him.

17 MR. LESEMANN: So Park -- and this is
18 just an explanation and then he'll just
19 respond directly to your question, so this
20 would be an opportunity where you could
21 talk about the transaction in 2013 and
22 with Yokoso, Inc., how that was the
23 company that Mr. Lee became the owner of
24 when you divided things up.

25 THE WITNESS: Yes.

1 MR. LESEMANN: Okay. So just testify
2 what you recall or what your understanding
3 is about how Yokoso, Inc. was handled and
4 the transaction.

5 THE WITNESS: Oh, okay.

6 MR. LESEMANN: And Karen, again, your
7 deposition, if he had a copy of that 2013
8 document as we go through the different
9 companies, it could be helpful to him.
10 Just, and again, it's up to you, but it
11 could be helpful to him so he could say,
12 okay, yes, I recall now, and it might help
13 things.

14 MS. DeJONG: Then I might just go
15 ahead and do all the articles I have
16 establishing the companies were created
17 and then go --

18 MR. LESEMANN: Company by company?

19 MS. DeJONG: Yeah.

20 MR. LESEMANN: Sure, that's fine.
21 However you want to do it.

22 MS. DeJONG: Let's do that, that
23 might be easier.

24 BY MS. DeJONG:

25 Q So let's go to the next company. You

28

1 mentioned that you and Mr. Lee each owned 50 percent
2 of Tsunami of Mount Pleasant, correct?

3 A No, I didn't say yes, I said I'm not sure.
4 I'm not sure, together or me 100 percent or I'm not
5 sure, but my accountant know.

6 Q All right.

7 (Marked for identification was Plaintiff's
8 Exhibit 2.)

9 BY MS. DeJONG:

10 Q Just as you did with Yokoso, Inc., just
11 please identify what this Plaintiff's Exhibit 2 is.

12 A It is my purchase of Tsunami, yes.

13 Q The name of the company is actually Mount
14 Pleasant --

15 A Yeah, Tsunami of Mount Pleasant.

16 Q -- comma, LLC.

17 A Yes.

18 Q The whole thing.

19 And what date was it created --
20 or what date was it filed with the Secretary of
21 State?

22 A What date?

23 Q Yeah, just go ahead and flip through it.
24 I probably highlighted it to make it easier for you.
25 Maybe not.

1 A No date.

2 Q It will be there.

3 A No date. Oh, okay, 2005, February 7th.

4 Q And is that your signature on the first
5 page --

6 A Yes.

7 Q -- as the agent for process?

8 A Yes.

9 (Marked for identification was Plaintiff's
10 Exhibit 3.)

11 BY MS. DeJONG:

12 Q All right. If you could just please
13 identify Plaintiff's Exhibit 3. If you could just
14 read the top of it.

15 A Oh, yeah, yeah, you have 50/50. Yeah. It
16 said that here. Yeah. I guess 50/50.

17 Q Well, first identify the document. What
18 does it say at the top?

19 A Yeah. Tsunami of Mount Pleasant, LLC.

20 Q If you can go to page ten.

21 A Yep.

22 Q And if you could just read page ten,
23 please.

24 A Yeah. Member Yong Park, Ho Dong Lee,
25 50/50 ownership.

30

1 Q And if you could go to page 11, please.
2 And is that your signature?

3 A Yeah.

4 Q Do you recall who prepared this document?

5 A I don't remember. Okay? 2005, you know.

6 Q Sometimes people use the same attorney for
7 years, so I'm just wondering.

8 A Really?

9 (Marked for identification was Plaintiff's
10 Exhibit 4.)

11 BY MS. DeJONG:

12 Q Could you please identify Plaintiff's
13 Exhibit 4?

14 A Tsunami of Columbia.

15 Q And is that your signature on the first
16 page?

17 A Yes.

18 Q As registered agent?

19 A Yes.

20 Q Is that your signature on the third page?

21 A Yeah.

22 Q And what's the date that the --

23 A 2006.

24 Q You have to let me finish my question.

25 A What's that?

1 Q What's the date that this Tsunami of
2 Columbia was filed with the Secretary of State?

3 A This one?

4 Q Yeah, go a little more.

5 A Little more.

6 Q Yeah. Back one.

7 A August 7.

8 Q That's your signature, that's fine,
9 August 7, two thousand --

10 A Six.

11 Q Let me look at that. Now, Plaintiff's
12 Exhibit 4 is for Tsunami of Columbia, LLC, correct?
13 And you stated that Mr. Lee was 50 percent owner of
14 the company.

15 A Yes.

16 (Marked for identification was Plaintiff's
17 Exhibit 5.)

18 BY MS. DeJONG:

19 Q All right. Please identify Plaintiff's
20 Exhibit 5. What company is that for?

21 A Tsunami of Harbison, LLC.

22 Q And is that your signature on the first
23 page?

24 A Yes.

25 Q If you go to the second page -- hold on

32

1 one second. If you go to the second page, who's
2 listed as managers of the LLC?

3 A Second page?

4 Q Um-hum. Go ahead and turn -- who's listed
5 as managers of --

6 A Yeah. Yong Park, Ho Dong Lee.

7 Q And they're both listed as managers of
8 Tsunami of Harbison, LLC?

9 A Yeah.

10 Q Is that your signature on the next page?

11 A Yes.

12 Q What date was this company filed?

13 A January 17th, 2008.

14 Q Let me finish my question. What date was
15 this company filed with the secretary --

16 A January 6 --

17 Q Wait a minute. What date was this company
18 filed with the Secretary of State?

19 A January 22nd, 2008.

20 Q And you had previously testified that
21 Mr. Lee was 50 percent owner of the company?

22 A Yeah.

23 (Marked for identification was Plaintiff's
24 Exhibit 6.)
25

1 BY MS. DeJONG:

2 Q Please identify this document.

3 A Yokoso of Summerville, LLC company.

4 Q Is that your signature on the first page?

5 A Yes.

6 Q And what date was this company filed with
7 the Secretary of State?

8 A January 22nd, 2008.

9 Q And you had stated that Mr. Lee was
10 50 percent owner of that company, correct?

11 A Yes.

12 (Marked for identification was Plaintiff's
13 Exhibit 7.)

14 BY MS. DeJONG:

15 Q If you could please identify Plaintiff's
16 Exhibit 7. Just read the top.

17 A Operation agreement for member.

18 Q Please say the whole type.

19 A Operation agreement for member and
20 manager, LLC company Yokoso of Summerville, LLC.

21 Q Go to the second page, paragraph number
22 four, if you could just read the percentage
23 ownership.

24 A Okay. Yong Park half, 50 percent. James
25 Park half, 50 percent.

34

1 Q No, no, that's not what it says.

2 A I mean, Ho Dong Lee, I'm sorry. Ho Dong
3 Lee 50 percent, Yong Park, 50 percent.

4 Q Is that your signature on the last page?

5 A Yes.

6 (Marked for identification was Plaintiff's
7 Exhibit 8.)

8 BY MS. DeJONG:

9 Q Please identify Plaintiff's Exhibit 8.

10 A Tsunami West Ashley.

11 Q And what date was that filed with the
12 Secretary of State? And you're going to find that
13 on the first page at the bottom.

14 A Okay. August 25th, 2008.

15 Q Right. And if you could tell me, on the
16 second page, the percentage of ownership for Tsunami
17 of West Ashley, LLC.

18 A Okay. I don't know about this. What's a
19 Peter K. Nam? What's that?

20 Q I don't know. To identify this
21 document --

22 A I don't think it's right.

23 Q Just read what's there first and then we
24 can talk about it.

25 A Okay. Yong Park.

1 Q What percentage of interest?

2 A 33. Seon Park, 33, Ho Dong Lee, 33.

3 Q And then it says 20 percent to Peter K.
4 Nam. Do you know who that is?

5 A No.

6 (Marked for identification was Plaintiff's
7 Exhibit 9.)

8 MR. LESEMANN: Karen, I just would
9 like to add a clarification for the record
10 that what's been marked as Plaintiff's
11 Exhibit 8 I think is two distinct items,
12 one being a possible page from a tax form,
13 just for purposes of the record, and the
14 other one being a printout from the
15 Secretary of State's office.

16 MS. DeJONG: I received that document
17 as it is from DeMott Law Firm.

18 MR. LESEMANN: Okay. That's fine.

19 MS. DeJONG: Just so you know where I
20 got it from.

21 MR. LESEMANN: Yeah. Right.

22 MS. DeJONG: Okay. That's good.

23 BY MS. DeJONG:

24 Q Could you please identify this document?

25 A Yeah. This is my -- the agreement.

36

1 Q Agreement for what?

2 A Agreement for sale and purchase.

3 Q What's the date of the agreement?

4 A 27 February 2013.

5 Q And if you could go to page 16. Is that
6 your signature?

7 A Yes.

8 Q Do you know who witnessed your signature?

9 A This signature?

10 Q Yeah. Do you know who witnessed your
11 signature?

12 A I don't know. I'm not sure. Maybe,
13 probably look like lawyer.

14 Q If you could go to page 17, is that your
15 signature?

16 A Yeah.

17 Q Page 20, is that your signature?

18 A Yes.

19 Q Page 21, is that your signature?

20 A Yes.

21 Q Page 22, is that your signature?

22 A 22, I have a 22.

23 Q That's not your signature on 22?

24 A 22 is Ho Dong Lee, I guess.

25 Q Okay. Page 24, is that your signature on

1 the left-hand bottom?

2 A Bottom, top? Top, right?

3 Q Yes.

4 A Top, mine.

5 Q And then page 25, is that your signature?

6 A 25, yes.

7 Q Page 26, is that your signature?

8 A Yes.

9 Q Page 27, is that your signature?

10 A Yes.

11 Q All right. Prior to the date that this
12 agreement for sale and purchase was signed on
13 February 27th, 2013, were there any loans taken out
14 for any of these companies that we've just gone
15 through?

16 A No.

17 Q Did you borrow money from Bank of America?

18 A How can I borrow money? I'm -- we have
19 trouble.

20 Q Did the companies borrow money from any
21 lenders prior to that date?

22 A That date?

23 Q Yeah.

24 A No.

25 Q Did you sign any personal guarantee

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1 guaranteeing a loan for any of these companies prior
2 to that date?

3 A That day meaning 27th?

4 Q Yes.

5 A No, I don't do anything 27th.

6 Q Were the companies all operating in good
7 working order prior to that date?

8 MR. LESEMANN: Object to the form.

9 BY MS. DeJONG:

10 Q Let me rephrase it. Now, when I say
11 companies I'm talking about the ones we went
12 through. So do you want me to repeat the companies?

13 A Yeah. I'm not sure about the West Ashley
14 one.

15 Q All right. Well, let's start with that.

16 A But West Ashley one is, I don't know is
17 the time they close, foreclose, I'm not sure.

18 Q So Tsunami of West Ashley, LLC --

19 A Yeah, that one I don't know what happened,
20 so.

21 Q Yokoso of Summerville, LLC, was that
22 operating on that date?

23 A Whatever here is everything open, not
24 closed.

25 Q Please go ahead and read those company

1 names that are on --

2 A Okay. Yokoso, Inc.

3 Q Go ahead and read the companies that are
4 listed on the first page of the agreement for sale
5 and purchase.

6 A Yeah. Yokoso, Inc.; Yokoso of
7 Summerville, LLC; Tsunami of Columbia, LLC; Tsunami
8 of Harbison, LLC; Tsunami of Mount Pleasant, LLC.

9 Q All right. All right. Why isn't Tsunami
10 of West Ashley listed in this agreement?

11 A I don't know. You better ask Mr. Lee
12 lawyer. Maybe that time is closed, I'm not sure,
13 already foreclosed.

14 Q You just testified that you owned
15 33 percent of this company, and you don't know what
16 happened to it?

17 A Yeah, maybe closed, the restaurant's no
18 good, so maybe closed already. I don't remember.
19 Okay? Restaurant probably, I don't know, it's maybe
20 closed already, like, I don't know, two thousand --
21 I'm not sure, okay?

22 Q That's fine. All right. You had listed
23 companies that are included in this agreement for
24 sale and purchase, but there also appears to be two
25 properties. Could you please identify the

1 properties?

2 A Yeah. 6.5 acre, the land, Ladson; and
3 then the property is Tsunami of Harbison property.
4 Okay. Lexington County. This is part of Tsunami
5 Harbison.

6 Q All right. You're looking at F on the
7 first page.

8 A Yes. F is equal saying it's a Harbison.

9 Q I have to make it clear to the court
10 reporter. With regard to real property in Lexington
11 County known as --

12 A Yes, that's the --

13 Q Let me finish my question -- known as 1290
14 Bower Parkway, Columbia, South Carolina, TMS Number
15 002898-01-029, is it your testimony that Tsunami of
16 Harbison owns that property?

17 A Yes. That's same one, same you talk
18 about, so.

19 Q With regards to G which says 6.5 acres of
20 real property in Ladson, Berkeley County --

21 A Yes.

22 Q -- who owned that property on
23 February 27th, 2013?

24 A February 27th, 2013?

25 Q Yeah.

1 A Mr. Lee and me, 50/50.

2 Q Were there any mortgages against either
3 property?

4 A What are you talking about?

5 Q Well, you said there was no loans out
6 against the companies. Were there any loans taken
7 out against the properties?

8 A No, everything -- okay. No loan is only
9 Mount Pleasant, but all the other is you have to pay
10 the bank for payment, stuff like that.

11 Q Okay. What bank did you have to make
12 payments to?

13 A Yokoso, Inc. is Bank of America, and
14 Tsunami of Harbison is Bank of America, and then I
15 think Tsunami of Columbia, LLC is Bank of America,
16 too, and Yokoso of Summerville is -- that time is
17 BB&T. But BB&T sold to some other company, so.

18 Q What about Tsunami of Mount Pleasant?

19 A Mount Pleasant is nothing because no loan.

20 Q Did you make payments to a bank on
21 property in Lexington County?

22 A Payment?

23 Q Yeah. Did you pay a bank?

24 A What do you mean, pay bank? Mortgage
25 every month?

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1 Q Yes. For the Lexington property.

2 A Yeah. Continue pay, but business was no
3 good so couldn't pay. Business, what year, two
4 thousand, economic really bad, that time, you know,
5 that time your company really shaky and money is
6 short, but that company is -- Harbison Tsunami is
7 negative business, so.

8 Q And that was with Bank of America?

9 A Yes.

10 Q What about the property in Ladson,
11 Berkeley County?

12 A That one is BB&T Bank.

13 Q Do you have a street address for that
14 property in Ladson, Berkeley County?

15 A 120 Moss Extension, I think 120 Moss,
16 M-o-s-s, I think that's how it is.

17 Q Say again.

18 A M-o-s-s, I think, Moss, Moss, Moss
19 Extension, 120, I think, 120, I don't remember.

20 Q Was there any other companies or property
21 that you and Mr. Lee owned together?

22 A No. This is it.

23 Q So as of February 27, 2013, the list on
24 the first page of the property owned, real,
25 personally and companies owned by you and Mr. Lee,

1 that's all there is?

2 A Yes.

3 Q So tell me first off, what happened, you
4 have your companies running though you're not sure
5 about West Ashley. What caused you and Mr. Lee to
6 have this agreement for sale and purchase drawn up?

7 A Basically, Mr. Lee requested he want to
8 separate.

9 Q Why did he want to separate?

10 A Why he want to?

11 Q Um-hum.

12 A He think he cannot make it all company.

13 Q He can't make what?

14 A All the restaurant cannot make it, he
15 think he cannot make it, so he decide -- he told me
16 that. Okay, okay, I have to tell stories, okay?

17 Q Sure.

18 A He told me, hey, Park, let's keep the
19 Yokoso, Inc. only. All the other company, let's
20 foreclose. And I say, no, I can't. I don't want to
21 foreclose all the restaurant. And Mr. Lee request
22 that. Then how about I want to keep Yokoso, Inc.
23 and you keep the other restaurant. And he offer me.
24 I said, okay. That's what started.

25 Q Who had the books on these companies?

1 A Book?

2 Q Who had the --

3 A Our accountant.

4 Q Mr. Ulmer?

5 A Yes.

6 Q And at the time this agreement was drawn
7 up, was Mr. Lee given access to the financial --

8 A Yes, okay --

9 Q -- documents?

10 A Okay. The accountant, okay, that
11 accountant, Mr. Ulmer is before Mr. Lee dry clean
12 owner, using that guy. All right? So he know very
13 much more than me that he is the one hired that
14 accountant. Okay. So he can go any time he want.
15 And then he have two lawyer working on this paper
16 for me. Okay? And then they decide this is it.
17 And he happy, he agreed, okay?

18 Of course. Look like only one
19 restaurant, and I got a lot of restaurant, but he
20 have only 700,000 debt. My debt, 3.8 million,
21 almost 3.7 million, something like that. My debt.
22 But it's fair, fair. He happy, I'm happy. Okay.
23 Let's sign. And this paperwork.

24 Q What paperwork?

25 A This paperwork you prepare, Mr. Lee'

1 lawyer --

2 Q What's his name?

3 A Mr. Lee' lawyer?

4 Q Yeah.

5 A Oh, I have to look at it.

6 MR. LESEMANN: If you don't remember
7 now, that's fine.

8 A Yeah. He got two lawyers.

9 BY MS. DeJONG:

10 Q What are their names?

11 A I think --

12 Q If you know.

13 A I don't know. I went his lawyer' office
14 in North Charleston. I went there and there another
15 lady like her and translator lady there. And they
16 talk. They asking me, you happy? I'm happy. Okay.
17 Both shake hands, because he got seven hundred,
18 800,000 debt, I got 3.8 million debt. So, okay, I
19 take that, you know.

20 Q Let me ask you, with regards to Mr. Lee
21 and these companies, you had stated that your
22 responsibility was managing it, managing the
23 restaurants. What was Mr. Lee --

24 A Same thing, his job. His job is supposed
25 to be go around, take care of restaurant. He just

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1 stay home chilling. It's not fair for everybody
2 working.

3 So he go and check it out and he
4 deposit money, cash, and -- okay. So that time your
5 partnership, when your business good, everything
6 okay, happy-happy.

7 Q Was he receiving income from these
8 companies?

9 A Yes, he can get the money, whatever, you
10 know.

11 Q Do you know if he was receiving money from
12 the restaurants?

13 A He's the owner, supposed to be.

14 Q Well, you're the owner too. Do you know,
15 were you receiving money for these businesses?

16 A Me?

17 Q Yeah.

18 A I guess, yeah, I cannot say no. Yes.
19 Yes. But you know, that time is -- money is a
20 problem, economy slow and business slow, and
21 everything, bill coming, and tax bill coming so, you
22 know, no choice. You had to be tight, so.

23 Q Right. So what do you mean by that, how
24 tight do you have to be?

25 A You cannot pay the payment at the bank and

1 bank has decided to foreclose. So I would say,
2 okay, I cannot pay whatever the mortgage so can you
3 pay me, can I pay -- this much money I can pay like,
4 you know, kind of propose to the bank. But bank
5 say, okay, you can work it out. So that's what
6 happened.

7 Q Was it you that was in charge of creating
8 all these companies?

9 A What do you mean, creating all the
10 companies?

11 Q Coming up with the name for the companies,
12 selecting the location for the restaurants, were you
13 in charge of that?

14 A No. Nothing charge, doesn't matter how
15 much I worth, 50 percent ownership have to say yes.
16 You cannot do myself. Okay. Because the bank tied
17 up. All right? Mortgage tied up and I have to make
18 sure he have to be prove that and do it, even
19 restaurant close down wherever, okay, I have to
20 prove that. I cannot decide myself because there's
21 a half-percent ownership. You cannot do that.

22 Q I'm asking you if you found the locations
23 for each of these restaurants?

24 A Yeah. I find it and asked him what he
25 think and he happy, yeah, he happy. He don't happy,

1 he not going to sign for that.

2 Q And were you in control of the money for
3 each of those companies?

4 A No, I don't control no money.

5 Q With regards to the property in Lexington
6 County, who owns that as of today?

7 A Today? Me -- oh, no, no, no, I'm sorry,
8 not me, somebody bought that. Yeah, yeah, yeah.

9 Q All right. Let's start at the beginning
10 Yokoso of Summerville, LLC, is that still in
11 existence as of today?

12 A Yes. Right.

13 Q And is it a running restaurant?

14 A Yeah. Yeah.

15 Q And do you own it as of today?

16 A Yes.

17 Q Are there any other owners?

18 A It's just me, I guess, some of it. Okay?
19 Some of it. Yokoso you're talking about?

20 Q I'm talking about Yokoso of Summerville.

21 A Yes.

22 Q So you're the sole owner of that
23 restaurant?

24 A I don't know. When the finance come, I'm
25 not sure I put my wife name or not. I'm not sure of

1 that.

2 Q But it's operating?

3 A Yes.

4 Q Tsunami of Columbia, LLC?

5 A No more longer.

6 Q Okay. What happened to it?

7 A Because closed down.

8 Q Did you sell it?

9 A No.

10 Q Do you recall when it was closed down,
11 what year?

12 A What year is, I don't know, after 2013.

13 Q You said there was a Bank of America loan
14 with Tsunami of Columbia. What happened to that
15 loan?

16 A Still paying that time.

17 Q As of today -- well, are you paying on
18 that loan today?

19 A No, Bank of America?

20 Q Yeah, for Tsunami of Columbia?

21 A No more. Refinance.

22 Q You refinanced that loan?

23 A Yes, because, okay, Columbia one and
24 Harbison one is together, tight, Bank of America.
25 So I talked to Bank of America. I cannot ask, can

1 you have this building, I cannot pay. Then Bank of
2 America offer me, how about you pay me 700,000, I
3 let you go. And forgiving, they are off from me so
4 I decide go to local bank and refinance.

5 Q Okay.

6 A And then I got CresCom Bank, they financed
7 for me that I think 700,000, but I got like almost
8 six hundred, 700,000 tax break -- I mean, not tax
9 break, forgiven that, okay, so I got to list that.

10 Q All right. So Tsunami of Harbison, is
11 that still in existence?

12 A No.

13 Q That closed as well?

14 A No. Somebody bought the property and I
15 sold that, so I have to make money because I got the
16 debt created. And then somebody come and they
17 bought my restaurant, you know, one and a half
18 million, so I got, you know, 600,000 I made.

19 Q So how much did you sell Tsunami of
20 Harbison for, 1.5 million?

21 A Yeah.

22 Q And then did you pay off any loans with
23 that?

24 A Of course I have to pay.

25 Q All right. Did you pay that \$700,000

1 loan?

2 A 700,000?

3 Q Yeah.

4 A Yes, of course.

5 Q So you did make a profit of six hundred
6 some-odd you said?

7 A Yeah, after that.

8 Q Do you recall what year that was?

9 A What year?

10 Q Um-hum.

11 A After this happen, I think 2013, 2014 or
12 '15. I'm not sure, okay?

13 Q All right.

14 A One year later or something like that
15 because when I do a bank refinance and I got my
16 payment is used be like 12,000 more every month and
17 then I refinanced 700,000 and my payment like 8,000,
18 something like that so I got a little bit
19 comfortable and showing even break, make money. And
20 then some other guy came and they want to buy my
21 property, one-half million, so I said, oh, I want to
22 get out, too much headache, so I sell that, okay?

23 Q Yeah. Who was your attorney for that
24 closing?

25 A I let you know. I don't know. I don't

52

1 remember right now. But we have a -- lawyer have to
2 help because I cannot do that stuff.

3 Q Right. Tsunami of Mount Pleasant you said
4 had no loan, you had no loan for that company.

5 A Um-hum.

6 Q Is that still running?

7 A No.

8 Q What happened to that company?

9 A Sold that.

10 Q Did you sell it to the same person as the
11 Harbison?

12 A No, no, other guy.

13 Q Do you remember what year you sold it?

14 A I don't remember. After, two thousand
15 like -- I don't even remember.

16 Q It was after 2013?

17 A Yeah, after 2013, after it happened and I
18 got a lot of stress, too, you know, I need to
19 survive because business no good.

20 Q How much did you sell Tsunami of Mount
21 Pleasant for?

22 A I think about 85,000, something like that.
23 I don't remember that exactly, but 85 think.

24 Q How much of the 6.5 acres in Berkeley
25 County?

1 A What does that mean?

2 Q Well, you said that this property was
3 owned by you and Mr. --

4 A Yeah, Mr. Lee don't want that.

5 Q So who owns it now?

6 A I am.

7 Q This is -- the 6.5 acres in Ladson is
8 still owned by you?

9 A Yes.

10 Q You haven't sold it?

11 A Nobody buy. Nobody buy.

12 Q With regards to Yokoso of Summerville, you
13 said that restaurant's still running, and are you
14 making payments on the loan with BB&T?

15 A No. That time I couldn't pay and I talked
16 to the -- I talked to BB&T Bank and BB&T Bank sold
17 my note to investor company because this guy's bad,
18 you know, my company, missing payment, right, so
19 they decide to go to other invest. I don't know.

20 Q So what's the status of that loan?

21 A So that time then I talked to that person
22 who in charge for that, call that the -- it's not
23 bank, okay, they're more like -- that's what their
24 job is, who want to buy and they try to get money.

25 So I talked to them, can you pay

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1 me a loan, okay? I asked them because I cannot pay
2 that much money. And they said, okay, then you do
3 that, and, okay, how much? I decide how much
4 payment, okay?

5 And then by the time I sold them
6 my Summerville -- not Summerville, sold Harbison
7 restaurant, I have money to down payment to
8 refinance the Summerville whole thing. And
9 CresCom -- First Citizens Bank refinanced for me
10 that.

11 Q So how much do you owe First Citizen for
12 Yokoso of Summerville?

13 A Probably 1.6 million, 1.7 million, I don't
14 remember exactly.

15 Q Do you own any other restaurants as of
16 today's date?

17 A Today I only have three restaurant, that's
18 it.

19 Q What are their names?

20 A Tsunami and --

21 Q Tsunami of?

22 A Dorchester Road and then Yokoso
23 North Charleston, Yokoso Summerville. But you don't
24 call Yokoso, Inc. no more, no Yokoso, Inc., okay?

25 Q I understand.

1 At the time -- on February 27,
2 2013, what was the value of Yokoso, Inc.?

3 A Yokoso, Inc. value?

4 Q Um-hum.

5 A I don't know. I don't know how much it
6 is. But doesn't matter how much, you don't pay
7 payment, then, you know.

8 Q How much was the mortgage on Yokoso, Inc.?

9 A I don't remember. How much payment
10 monthly?

11 Q Yeah.

12 A I don't remember. I think, I'm not sure,
13 six thousand something.

14 Q You had an opportunity to review this
15 agreement for sale and purchase before you signed
16 it?

17 A What do you mean, this?

18 Q Yeah.

19 A Yeah, he requested, yeah, I look at it and
20 then I'm happy, he happy, he signed it, I signed it.

21 Q So you thought this was a fair deal?

22 A Yeah, fair deal because reason why he got
23 seven hundred of debt, I got 3.8 debt, I got one
24 restaurant and he got one restaurant. But his
25 restaurant make money, you know, so I'm fine for

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1 that.

2 Q So after that date, February 27th, 2013,
3 did you have any reason to speak to Mr. Lee or meet
4 with him?

5 A Talk to him?

6 Q Yeah.

7 A I don't need to talk to him 'cause my
8 sister there, so I just talk, family talking.

9 MR. LESEMAN: So she just asked you
10 if after this transaction, if you ever
11 talked to Lee.

12 A Not really. He don't like me, so.

13 BY MS. DeJONG:

14 Q Why wouldn't he like you?

15 A I don't know.

16 Q If you could look through this -- no,
17 we're good. Hold on.

18 (Marked for identification was Plaintiff's
19 Exhibit 10.)

20 BY MS. DeJONG:

21 Q Go ahead and please identify this document
22 if you don't mind.

23 A Forbearance agreement.

24 Q Forbearance agreement?

25 A Yes.

1 Q And what's the date of this agreement?

2 A April 2013, 30, 30 of April, yeah.

3 Q If you could turn to page 21. Is that
4 your signature?

5 A I don't have it.

6 Q No, sorry, wrong page.

7 A I don't have it.

8 Q Page 21.

9 A 21, I don't have it. 22 -- oh, 21, I'm
10 sorry, yeah, yeah, okay, me, yes.

11 Q And you're signing on behalf of what
12 company?

13 A Yes.

14 Q What companies are you signing on behalf
15 of?

16 A I think Tsunami of Mount Pleasant, Tsunami
17 of Columbia.

18 Q Prior to this forbearance agreement, could
19 you give me an estimate of what the month -- total
20 of the monthly mortgage payments were on the
21 companies that you took over on February 27th, 2013?

22 A Which company you talk about?

23 Q We can go through each one.

24 A I mean, I'm just saying, you mean, how
25 much payment?

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1 Q Yes.

2 A Monthly payment?

3 Q Yes, before the forbearance agreement
4 date.

5 A Maybe, I don't know, monthly payment,
6 this, I think, over 6,000. I don't remember exactly
7 off the top of my head right now.

8 Q Okay.

9 A And then some of it is I think more than
10 12,000. And Columbia Tsunami is, I think we pay
11 something, yeah, you have to pay something too. And
12 Harbison is pay 12,000, something like that, a
13 month.

14 Q What's the purpose of the forbearance
15 agreement?

16 A That's Bank of America.

17 Q Explain to me, what was the point of
18 having a forbearance agreement drawn up and signed?

19 A I think Bank of America and lawyer and
20 contact -- and Mr. Lee' lawyer and my lawyer decide
21 that, I think separate and so that's the whole
22 point.

23 Q What does a forbearance agreement do? Say
24 I don't understand what this means. What does this
25 document mean?

1 A Mean, basically probably like Yokoso, Inc.
2 is Bank of America, okay? And then Columbia
3 Harbison is Bank of America too. And the Bank of
4 America decide Yokoso, Inc. is Mr. Lee responsible
5 for that and Columbia Harbison Tsunami is I'm the
6 one responsible for that. So kind of like separate.

7 Q That's what I need to understand. Is this
8 one mortgage for all --

9 A No, no, different mortgage.

10 Q Separate mortgages?

11 A Yeah, separate mortgages but same Bank of
12 America on the mortgage so they -- and Mr. Lee want
13 that, Mr. Lee don't care about the Harbison one, he
14 just care North Charleston one so he just want to
15 talk North Charleston one. He want to take care of
16 that so he talk to Bank of America lawyer, and they
17 tried to figure it out and, okay, me, too, all
18 right. Then I care about Harbison because I'm the
19 one get that Harbison so I want to talk to Bank of
20 America so.

21 So I don't want -- okay. Bank
22 of America cannot come to me, North Charleston
23 Yokoso, they don't pay money. They cannot come to
24 me because I'm a liability, okay? Separate so I own
25 Harbison, you own his stuff. That's why this -- I

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1 think this is for, okay? So.

2 Q Okay. Was the purpose of this document to
3 reduce the monthly mortgage payments?

4 A That's separate deal. I don't think so.
5 That's separate deal. You have to talk to -- they
6 gave us six months, I think six months the payment
7 low to give us time to refinance to other bank.

8 They can't foreclose, okay?
9 They can't foreclose both property, North Charleston
10 and Harbison one. But Bank of America, they want
11 get money so they say, okay, Mr. Lee, get the
12 North Charleston one full responsible, and I'm full
13 responsible to Harbison one, and then after that
14 they give low payment to six months to take care of
15 the payment. Okay?

16 So I take care six months, pay
17 my bill, used to be 12,000 to like 6,000, 7,000, I
18 don't remember. Go down --

19 Q That's what I want to know. Does this
20 forbearance agreement reduce the monthly payments?

21 A No, no pay more, like separate.

22 MS. DeJONG: Could we go off the
23 record for a sec.

24 (The deposition went off the record.)
25

1 MS. DeJONG: We can go back on the
2 record.

3 BY MS. DeJONG:

4 Q All right. If you could turn to page
5 four, number seven, repayment schedule. Page four,
6 number seven, repayment schedule.

7 A Yeah, yeah, yeah.

8 Q Initial payment, the bank was asking for
9 35,000, and partial payment of outstanding balances.
10 Who paid that amount?

11 A I don't know. I don't remember.

12 Q Do you recall if it came out of one of
13 your company's business accounts?

14 A I don't remember.

15 Q Do you recall if it came out of your
16 personal account?

17 A I don't think -- I don't know. I don't
18 remember.

19 Q All right. With regards to seven -- next
20 page, page five at the top, obligation number 265,
21 do you recall which company made this payment of
22 6,058.57?

23 A I don't know. Let me see. You got to
24 find the number, 265. What's the two six five is?

25 Q Understood I'm just going to go down.

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1 Number two, obligation?

2 A 265, what is 265?

3 MR. LESEMANN: In exhibit A those
4 numbers are corresponding to --

5 MS. DeJONG: Maybe we should just go
6 straight to Exhibit A.

7 BY MS. DeJONG:

8 Q Go to page 23.

9 A Yeah, Yokoso pay 6,000, I think.

10 Q All right. Yokoso, Inc.?

11 A Two six five, this one?

12 Q Yeah.

13 A Yeah. Yeah, that's right.

14 Q So who made that payment, to the best of
15 your knowledge?

16 A That's Yokoso, he have to pay, it's not
17 mine.

18 Q Who's he?

19 A Mr. Lee. That's the deal. Because he pay
20 his own, I pay my own and separate the property so
21 he own that, you know.

22 Q All right. Number two, Yokoso line of
23 credit, obligation two seven three.

24 A Right.

25 Q Who made the payment on this loan?

1 A Two seven three? I don't know.

2 Q You got to go to page 23. So number two.

3 A Yokoso line of credit, I guess Mr. Lee.

4 Q Okay. And that loan is in the amount of
5 150,000, correct?

6 A Yeah. That's Mr. Lee.

7 Q All right. Number three, next page,
8 Park/Lee construction/term loan, obligation number
9 two eight one in the amount of one million four
10 hundred sixty-seven thousand, who made payment of --

11 A What page is it?

12 Q Number three, page 24. It says Park and
13 Lee. Who took over payment of this construction
14 loan?

15 A Me, I guess, yeah, me, I am.

16 Q Do you know if there's a specific company
17 that's making payment upon this loan?

18 A What does that mean?

19 MR. LESEMANN: She's asking which
20 entity was making the payments.

21 A This company.

22 BY MS. DeJONG:

23 Q Which company?

24 A Harbison.

25 Q Did you say that this loan has been paid

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1 off?

2 A What?

3 Q Did you say that the Harbison loan has
4 been paid off?

5 A This is talk about two thousand -- this is
6 a two thousand, okay, 2013.

7 Q Right.

8 A I'm paid off as of 2015, okay. After
9 happen this one, everything happen, gone, and then I
10 said that.

11 Q Sometimes I have to ask a question again
12 because I'm going over a different document. So are
13 you saying that this loan is --

14 A Yeah, that time I have to pay because --

15 Q Right. But is it paid off now?

16 A Yeah, paid off because I sold to other
17 guy. I have to get out, you know.

18 Q Okay. Number four, Tsunami line of credit
19 for 295,000.

20 A Yeah, that's me.

21 Q Did you make payment on this loan?

22 A Yes.

23 Q And you sold in 2013 so you're no longer
24 making this payment?

25 A No more, yeah.

1 Q Let's see, we got a credit card here,
2 18,000. Yokoso credit card. Who took over payment
3 of the credit card?

4 A I don't remember.

5 Q Well, Yokoso credit card, so ...

6 A Maybe Yokoso, North Charleston, Mr. Lee.
7 That's a part of the deal. He take care of all
8 Yokoso. All other debt I take care of. So that's
9 fair.

10 Q All right. But -- all right. Let me see
11 if I got any more questions. Okay. I'm going to go
12 step outside for a second.

13 (Recess.)

14 MS. DeJONG: Back on the record,
15 Mr. Park, I want to thank you very much
16 for answering my questions, and at this
17 time I have no further questions.

18 THE WITNESS: Okay.

19 MR. LESEMANN: Okay. Yeah, I don't
20 have any questions either.

21 MS. DeJONG: Okay. Thank you very
22 much.

23 THE WITNESS: Free to go?

24 MS. DeJONG: You are free to go.

25 (The deposition was concluded at

James Park - November 15, 2018

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11:40 a.m.)

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Janice D. Hayward, RMR
843.478.6756

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF DORCHESTER) : CERTIFICATE

3 I, Janice D. Hayward, Registered Merit
4 Reporter and Notary Public, certify that I was
5 authorized to and did stenographically report the
6 foregoing deposition, and that the transcript is
7 a true record of the testimony given by the witness.

8 I further certify that the witness was
9 duly sworn and cautioned by me to tell the truth,
10 the whole truth and nothing but the truth. I
11 certify that the same was reduced to typewritten
12 form from my original stenograph notes by
13 computer-aided transcription.

14 I further certify that I am not of
15 counsel or kin to any of the parties to this cause
16 of action, nor am I interested in any manner in
17 its outcome.

18 IN WITNESS WHEREOF I have hereunto set
19 my hand and seal this the 23rd day of November,
20 2018.

21
22 COPY

23
24 Janice D. Hayward, RMR
25 Notary Public, South Carolina
My Comm. Expires 10-10-22

