

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND
REGULATION

BEFORE THE SOUTH CAROLINA COSMETOLOGY BOARD

MARCH 13, 2012

BOARD MEMBERS:

MELANIE THOMPSON, CHAIRMAN

KATHERINE WEBB, VICE CHAIR

CYNTHIA RODGERS

JANICE CURTIS

STEPHANIE NYE

DEAN GRIGG, ADVICE COUNSEL

SHERIDON SPOON, ADVICE COUNSEL

This meeting held at the South Carolina Department of Labor, Licensing and Regulation, The Kingstree Building, 110 Centerview Drive, Columbia, South Carolina, reported by Cecelia P. Englert, Verbatim Court Reporter and Notary Public in and for the State of South Carolina; said meeting being held on the 13th day of March, 2012, scheduled for 9:00 a.m. and commencing at 9:11 a.m.

1	CONTENTS:	
2		PAGE
3	Proceedings by Ms. Thompson	4
4	Certificate of Reporter	290
5	Word Index	
6		
7	*****	
8	EXHIBITS	
9		
10	EXHIBIT NO. 1 - Copy of Son T. Pham - New	
11	Jersey License.	48
12		
13	STATE'S EXHIBIT NO. 1 - Formal complaint.	76
14		
15	STATE'S EXHIBIT NO. 2 - Cease and Desist	
16	dated 1-14-2011.	80
17		
18	STATE'S EXHIBIT NO. 3 - Citation dated 1-14-2011.	80
19		
20	STATE'S EXHIBIT NO. 4 - Disciplinary Report dated	
21	3-7-2011.	81
22		
23	STATE'S EXHIBIT NO. 5 - Inspection Report dated	
24	5-13-11.	81
25		
26	STATE'S EXHIBIT NO. 6 - Citation dated 5-13-2011.	82
27		
28	STATE'S EXHIBIT NO. 7 - Copy of Tuan Thanh Le's	
29	license.	83
30		
31	STATE'S EXHIBIT NO. 8 - Copy of Marquez Hung	
32	Pham's Georgia Driver's License.	83
33		
34	STATE'S EXHIBIT NO. 9 - Copy of Nhung T. Tran's	
35	Georgia Driver's License.	84
36		
37	STATE'S EXHIBIT NO. 10 - Tuan Thanh Le's	
38	Application for Endorsement.	84
39		
40	STATE'S EXHIBIT NO. 11 - Statement given by	
41	Ms. Le dated 5-13-11.	85
42		
43	STATE'S EXHIBIT NO. 12 - Copy of License with the	
44	name Tuan Thanh Lee on it and Tuyet Nguyen signed it.	85

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
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23
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25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

EXHIBITS CONTINUED

STATE'S EXHIBIT NO. 13 - Cards received by Mr. Andrews from an individual from Georgia that was unlicensed in SC. 86

STATE'S EXHIBIT NO. 14 - Inspection Report dated 6-17-11. 86

STATE'S EXHIBIT NO. 15 - Anh Thuy Loan Vo NC Driver's License. 87

STATE'S EXHIBIT NO. 16 - Inspection report done by Mr. Kyzer. 87

STATE'S EXHIBIT NO. 17 - Inspection report done by Mr. Kyzer. 88

STATE'S EXHIBIT NO. 18 - Photographs showing that the business was opened. 88

STATE'S EXHIBIT NO. 19 - Credential View Screen for Glamour Nails. 89

STATE'S EXHIBIT NO. 20 - This is a request for a duplicate license for Long P. Pham. 89

STATE'S EXHIBIT NO. 21 - Agreement of Voluntary Surrender of Truong Q. Tran's Salon License. 89

STATE'S EXHIBIT NO. 22 - Copies of the Business Licenses for Glamour Nails. 90

Court Reporter's note:

-- indicates interruption; incomplete phrases; trailing off; unfinished sentences

1 MS. THOMPSON: If we could, stand
2 for the Pledge of Allegiance, please.

3 (Pledge of Allegiance is recited.)

4 MS. THOMPSON: Thank you. Public
5 notice of this meeting was properly posted at the
6 South Carolina Board of Cosmetology Office, Synergy
7 Business Park, Kingstree Building and provided to
8 all requesting persons, organizations and news
9 media in compliance with Section 30-4-80 of the
10 South Carolina Freedom of Information Act.

11 Rules of the meeting: No outbursts
12 or disruptions will be allowed from anyone during
13 the course of the session. Members of the public
14 audience shall speak no more than twice on the same
15 subject and no more than three minutes each time.
16 The board will entertain business from the public
17 presented 14 days prior to the meeting for
18 additions to the agenda. If a person or persons
19 are disruptive or habitually speak out of order,
20 they will be asked to leave the room and they may
21 be allowed to return at an appropriate time
22 allotted on the agenda.

23 Introduction of board members and all other
24 persons attending. If we could start at the back
25 corner. If you would stand and state your name for

1 the record, please.

2 MR. NGUYEN: Loc Nguyen.

3 MS. NGUYEN: Ngan Nguyen.

4 MS. ROBERTS: Susan Roberts.

5 MR. NGO: Ha Ngo.

6 MR. NGUYEN: Van Nguyen.

7 MS. TRAN: Le Tran.

8 MS. NGUYEN: Truong Nguyen.

9 MS. DAO: Suong Dao.

10 MR. KIM: John Kim.

11 MS. PHAM: Duyen Ngoc Pham.

12 MS. CHIODO: Linda Chiodo.

13 MS. URZAGASTE: Jazel Urzagaste.

14 MR. PHAM: Son Phan.

15 MS. ISAIAH: Kiandra Isaiah.

16 MR. RAY: Byron Ray, LLR staff.

17 MS. CURTIS: Janice Curtis, board

18 member.

19 MS. RODGERS: Cindy Rodgers, board

20 member.

21 MR. GRIGG: Dean Grigg, advice

22 counsel.

23 MS. THOMPSON: Melanie Thompson,

24 board member.

25 MS. WEBB: Kathy Webb, board member.

1 MS. NYE: Stephanie Nye, board
2 member.

3 COURT REPORTER: Ciel Englert, court
4 reporter.

5 MS. THOMPSON: And if we could,
6 please, be sure, if everyone would make sure they
7 signed in in the back of the room, so that we have
8 the correct spelling of your name. And, sir, if
9 you would, please, state your name for the record.
10 Would you tell us your name? Stand up, please.
11 Tell us your full name.

12 MR. TRAN: Van Tran.

13 MS. THOMPSON: Van Tran, okay.
14 Please make sure you've signed in.

15 COURT REPORTER: And also, print it
16 too, because sometimes I can't read your
17 handwriting. Okay. Thank you.

18 MS. THOMPSON: Approval of excused
19 absences. Again we are missing Ms. Selena Brown,
20 due to a family illness. Do I have a motion to
21 approve Ms. Brown's absence?

22 MS. CURTIS: Make a motion to
23 approve.

24 MS. THOMPSON: I have a motion. Do
25 I have a second?

1 MS. RODGERS: Second.

2 MS. THOMPSON: Motion and a second.

3 Any further discussion?

4 (NO RESPONSE.)

5 MS. THOMPSON: Hearing none, all in
6 favor, signify by saying aye.

7 BOARD MEMBERS: Aye.

8 MS. THOMPSON: Opposed? Motion
9 carries. Chairman's remarks, great job to the new
10 ladies yesterday. Great job to the seasoned ladies
11 yesterday. Great job to Dean and staff. We were
12 here all day, but we got a lot of business handled
13 and, unfortunately, it seems to be that the new
14 ladies -- anytime we've had someone new, I think
15 Cindy and Selena had the same situation, they come
16 in to what seems to be a tornado. But I promise,
17 it's going to smooth out. Promise. But good job.
18 And appreciate the work and dedication, of
19 everybody involved. I know that you guys get
20 tired. They all were back to their families late
21 as well, and it is much, much appreciated. And
22 hopefully, we will get this machine oiled well and
23 it will start running smoothly very, very soon.

24 Administrator's remarks.

25 MR. RAY: I have none at this time.

1 MS. THOMPSON: New business. We
2 have first on the agenda is a hearing for L'Amour
3 Nails.

4 (Off the record.)

5 MS. THOMPSON: At this point, I need
6 a motion, please, to approve the agenda.

7 MS. WEBB: I make a motion to
8 approve the agenda with any deviations deemed
9 necessary.

10 MS. RODGERS: Second.

11 MS. THOMPSON: I have a motion and a
12 second to approve the agenda with any deviations
13 deemed necessary. Any further discussion?

14 (NO RESPONSE.)

15 MS. THOMPSON: Hearing none, all in
16 favor, signify by saying aye.

17 BOARD MEMBERS: Aye.

18 MS. THOMPSON: Opposed? The motion
19 carries.

20 *****

21 MS. THOMPSON: At this point, we're
22 going to move to B-1, which is Linda Chiodo. Ms.
23 Chiodo, if you could please come forward, present
24 your identification to our court reporter and be
25 sworn in.

1 Sir, have you just joined us in the meeting?

2 MR. NGO: Thuy Linh Ngo.

3 MS. THOMPSON: If you would please
4 be sure that you've signed in on our sign-in sheet.

5 (The witness is sworn in.)

6 MS. THOMPSON: This hearing is
7 called to order. This is the matter of Linda
8 Chiodo. The purpose of this hearing is to
9 determine whether the applicant should be granted a
10 license as a cosmetologist. Everyone is reminded
11 that these proceedings are being recorded and that
12 all witnesses must be sworn before they testify.
13 All remarks should be directed to the chairman.

14 Mr. Ray, is the complete application packet in
15 our materials?

16 MS. BAILEY-GLOVER: He left.

17 COURT REPORTER: He went to make
18 copies.

19 MS. THOMPSON: That's right.

20 MS. THOMPSON: According to this,
21 the questions that staff had concerning this
22 applicant is that the applicant is requesting to
23 work a work experience in lieu of educational
24 hours. The applicant is present. Ms. Chiodo, did
25 you bring anyone else with you today that's going

1 to offer any testimony on your behalf?

2 THE WITNESS: A friend of mine took
3 a ride with me, but I didn't know I had to have --

4 MS. THOMPSON: No, no. You do not.
5 I just want to be certain that you know you can.
6 And you know that you can be represented by a legal
7 counsel if you so chose.

8 THE WITNESS: (No audible response.)

9 MS. THOMPSON: And I need you to say
10 "yes" or "no," just so it's on record.

11 THE WITNESS: No.

12 MS. THOMPSON: Okay. Great.

13 DIRECT EXAMINATION OF LINDA ROSE CHIODO

14 BY MS. THOMPSON:

15 Q. And so what we have before us is your
16 application for licensure. Have you taken the
17 national exam?

18 A. No. I took my license in 1973. And from
19 what I understood, they started in 1987.

20 Q. I just wanted to be certain that you
21 hadn't in this time frame in-between taken the exam
22 and we just didn't have your results in our packet.

23 A. I was told I couldn't do it until I got
24 the approval.

25 Q. Okay. So we have -- tell us a little bit

1 about -- you were licensed in what state?

2 A. In New Jersey.

3 Q. And how long ago?

4 A. It's almost 39 years ago.

5 Q. And how many hours did you complete your
6 education to get you license in New Jersey?

7 A. Five hundred hours. And I did take other
8 courses for -- refresher courses when different --
9 when different products came out or different hair
10 cuts came out, I did attend different classes.

11 Q. Okay. And your license in New Jersey is
12 current?

13 A. Yes.

14 Q. And you have W-2s submitted here proving
15 work experience from what I'm seeing looks like to
16 be 2007 and 2008?

17 A. Right. They told me I only needed two.

18 Q. Right.

19 A. I did bring a letter from the girl that I
20 worked for, that I also bought the shop from. I
21 worked for six years before I moved down here.

22 Q. Okay. So from 2008 to 2012 --

23 COURT REPORTER: Melanie, the lady
24 coughing is going to have to leave.
25 I just can't hear, you know, because

1 she's coughing.

2 MS. THOMPSON: Ma'am, we have some
3 mints up here, if that would help
4 you.

5 COURT REPORTER: I just can't hear.
6 I'm sorry.

7 MS. THOMPSON: No, that's fine. I'm
8 sorry.

9 Q. So from 2008, 2009, '10 and '11, have you
10 been practicing in the field of cosmetology?

11 A. No. I did get a job and I was supposed
12 to start September 1st of this year. But when I
13 started applying for the license and couldn't get
14 it, I lost the job.

15 Q. Okay. All right. But, again, your New
16 Jersey license is still current.

17 A. Current, yes.

18 Q. All right. And so the only thing that
19 you're missing per our regulations is the national
20 exam.

21 A. Right.

22 Q. Okay.

23 MS. WEBB: Madam Chair, I make a
24 motion to approve for her to take the national
25 exam.

1 MS. THOMPSON: I have a motion to
2 approve the application and allow Ms. Chiodo to sit
3 for the national exam.

4 MS. RODGERS: Second.

5 MS. THOMPSON: I have a motion and a
6 second. Is there any further discussion?

7 (NO RESPONSE.)

8 MS. THOMPSON: Hearing none, all in
9 favor, signify by saying aye.

10 BOARD MEMBERS: Aye.

11 MS. THOMPSON: Opposed? The motion
12 carries. Ms. Chiodo, your application is approved.
13 You are now eligible to sit for the exam to get
14 your license in South Carolina.

15 THE WITNESS: Okay. Do you have to
16 notify them? Or do I just tell them that it was
17 approved?

18 MS. THOMPSON: You'll receive
19 something from LLR with these results. And then
20 they'll have instructions as to what to do from
21 there.

22 THE WITNESS: Okay.

23 MS. THOMPSON: Okay. Good luck.
24 Thank you.

25 THE WITNESS: I have a question. In

1 2008, if I had applied for it then, would I have
2 had to take the test?

3 MS. THOMPSON: Yes, ma'am. Yes.
4 Our regulations stipulate that if you haven't had
5 the national exam, then you still have to do that
6 in order to get your license in South Carolina.

7 THE WITNESS: Even though I've had
8 it for like 30 -- almost 40 years.

9 MS. THOMPSON: Yes, ma'am. We had
10 someone yesterday endorsing in from Georgia, been
11 licensed over 30 years as well, and he had to sit
12 for the exam too.

13 THE WITNESS: Okay. Thank you.

14 MS. THOMPSON: Thank you.

15 *****

16 MS. THOMPSON: Next on the agenda is
17 Galina Lipchak. L-I-P-C-H-A-K. Applicant L-I-P-C-
18 H-A-K. The applicant is not present. Do I have a
19 motion at this time?

20 MS. WEBB: Make a motion to deny due
21 to absence.

22 MS. THOMPSON: I have a motion to
23 deny the applicant due to not being present. Do I
24 have a second?

25 MS. NYE: Second.

1 MS. THOMPSON: Have a motion and a
2 second. Any further discussion?

3 (NO RESPONSE.)

4 MS. THOMPSON: Hearing none, all in
5 favor, signify by saying aye.

6 BOARD MEMBERS: Aye.

7 MS. THOMPSON: Opposed? Motion
8 carries.

9 *****

10 MS. THOMPSON: Next on the agenda,
11 last name N-G-O, first name H-A. Sir, if you would
12 just present your identification to the court
13 reporter, please. Sir, if you would state your
14 full name for the record.

15 THE WITNESS: Ha Ngo.

16 MS. THOMPSON: I'm sorry?

17 THE WITNESS: Ha Ngo.

18 COURT REPORTER: And, sir, I need to
19 swear you in. Would you raise your right hand?

20 (The witness is sworn in.)

21 MS. THOMPSON: Sir, what she's
22 asking you is everything you say to us today, do
23 you promise to tell the truth? Yes? or no?

24 THE WITNESS: Yes.

25 MS. THOMPSON: Do you know what the

1 truth is? Do you know the difference between the
2 truth and a lie?

3 THE WITNESS: Yeah.

4 MS. THOMPSON: Okay. I need you to
5 speak loudly so we can hear you.

6 THE WITNESS: Yeah.

7 MS. THOMPSON: Okay. Thank you.

8 This hearing is called to order. This is the
9 matter of applicant first name H-A, last name N-G-
10 O. The purpose of this hearing is to determine
11 whether the applicant should be granted a license
12 as a nail technician. Everyone is reminded that
13 these proceedings are being recorded and that all
14 witnesses must be sworn before they testify. All
15 remarks should be directed to the chairman.

16 According to the packet we have, the questions
17 that staff had concerning this application is that
18 the board needs to review the applicant's
19 education. The applicant is present. Mr. Ngo, did
20 you bring a lawyer with you today?

21 THE WITNESS: (Inaudible.)

22 MS. THOMPSON: Did you bring an
23 attorney with you?

24 THE WITNESS: Brought a friend.

25 MS. THOMPSON: Did you bring anyone

1 with you today to represent you or speak for you,
2 to help advise you?

3 THE WITNESS: (Inaudible.)

4 MR. GRIGG: Do you know what a
5 lawyer is? What an attorney is?

6 THE WITNESS: (Inaudible.)

7 MR. GRIGG: Counsel's someone that
8 would legally help you through this process.

9 THE WITNESS: Yeah, my friend.

10 MR. GRIGG: There are people who by
11 law under the state of South Carolina can speak on
12 your behalf. Do you have anyone that represents
13 you in that capacity?

14 THE WITNESS: No.

15 MR. GRIGG: No. Do you want to
16 proceed on your own today? Or do you want someone
17 to be with you? Do you want to go forward today on
18 your own?

19 THE WITNESS: Yeah.

20 COURT REPORTER: The gentleman in
21 the back is coaching him.

22 MR. GRIGG: If there's anybody
23 that's speaking in the back, you're going to have
24 to be silent and allow this gentleman to speak for
25 himself.

1 MS. THOMPSON: Sir, did you bring
2 your friend to help you, to interpret for you
3 today?

4 THE WITNESS: Yeah.

5 MS. THOMPSON: Okay. I'm going to
6 allow him to come up and ask you this particular
7 question. But after that, I need for you to speak
8 for yourself.

9 Sir, would you come forward, please? Present
10 your identification and be sworn in? While they're
11 looking at that, I need for you to state your full
12 name for the record.

13 MR. TRAN: Van Thanh Tran.

14 MS. THOMPSON: I'm sorry, I couldn't
15 hear you.

16 MR. TRAN: Van Thanh Tran.

17 MS. THOMPSON: Could you spell your
18 last name?

19 MR. TRAN: T-R-A-N.

20 MS. THOMPSON: And your first name?

21 MR. TRAN: V-A-N.

22 MS. THOMPSON: Okay. Have you sworn
23 him in, Ciel? Sir, we need for you to raise your
24 right hand and be sworn in, please.

25 (The witness is sworn in.)

1 MS. THOMPSON: Sir, I need for you
2 to ask him if he understands that he has the right
3 to have an attorney with him today, if he so chose
4 to have one.

5 (Mr. Tran interprets.)

6 THE WITNESS: No.

7 MS. THOMPSON: That "no" means he
8 doesn't want an attorney?

9 MR. TRAN: No, he doesn't.

10 MS. THOMPSON: And he understands
11 that he could have one if he so chose?

12 (Mr. Tran interprets.)

13 THE WITNESS: No.

14 MS. THOMPSON: Mr. Tran.

15 MR. TRAN: Yes.

16 MS. THOMPSON: I appreciate your
17 help there. I'm going to have you sit back down.
18 And if we need you, we'll call you back up.

19 MR. TRAN: Okay.

20 MS. THOMPSON: But I need for you
21 not to be trying to talk to him during these
22 proceedings unless we ask for your help, okay?

23 MR. TRAN: Yes, ma'am.

24 MS. THOMPSON: Thank you so much.

25 DIRECT EXAMINATION OF HA X NGO

1 BY MS. THOMPSON:

2 Q. Mr. Ngo, you have applied to receive your
3 nail technician's license. Yes?

4 A. Yes.

5 Q. Where did you go to nail school?

6 A. Charlotte Nail.

7 Q. And when did you go to nail school?

8 A. April.

9 Q. April of 2010?

10 A. Yeah.

11 Q. Okay. And when did you complete your
12 training? When did you graduate? When did you
13 finish school?

14 A. Six o'clock.

15 Q. I'm sorry?

16 A. 6 p.m.

17 Q. No, no. What month? What day and month
18 did you finish?

19 A. One month.

20 Q. One month?

21 A. Over.

22 Q. Right. May? Did you graduate in May?

23 A. 26 May.

24 Q. 26 May, okay. How many hours did you
25 complete?

1 A. Three hundred.

2 Q. Three hundred. So from April the 1st to
3 May the 26th, you completed 300 hours.

4 A. Yeah.

5 Q. Okay. How many days a week did you go to
6 school?

7 A. Six day.

8 Q. Six days. What days were they?

9 A. Monday to Friday.

10 Q. That's five days. Did you go on
11 Saturday?

12 A. No.

13 Q. No. So you went five days a week. Okay.
14 So you went Monday through Friday. What time did
15 you start? What time did you begin class in the
16 morning?

17 A. Eight.

18 Q. Eight. And what time did you finish?

19 A. Six.

20 Q. Did you take a lunch break?

21 A. Yes, ma'am.

22 Q. How long did you get for lunch?

23 A. One hour.

24 Q. So you went to school Monday through
25 Friday from 8 a.m. to 6 p.m.

1 A. Yes, ma'am.

2 Q. That's what you're saying?

3 A. Yes, ma'am.

4 Q. How many people were in class with you?

5 A. I think 16.

6 Q. Sixteen? And did you do your practical
7 work and theory work? Did you study in the book?
8 and work on the public? Or did you just do one?

9 A. I don't understand.

10 Q. When you were in class, did you work out
11 of a textbook all day? Or did you actually
12 practice doing nails?

13 A. (No response.)

14 Q. What did you do while you were in class?

15 A. Yeah, I learn nail.

16 Q. Okay. Tell me about it.

17 A. I did acrylic.

18 Q. Okay. Speak up. We're having a hard
19 time hearing you.

20 A. Acrylic.

21 Q. Acrylic?

22 A. (Inaudible.)

23 Q. Okay. What else?

24 A. Put acrylic on nail.

25 Q. Okay. What else?

1 A. Tip.

2 Q. Tip, okay. What else?

3 A. File.

4 Q. File? Okay. Tell me what else.

5 A. File and buff.

6 Q. Uh-huh. Did you learn anything else that
7 pertained to the natural nail? Or did you only
8 learn acrylic nails?

9 A. Yeah, the natural nail.

10 Q. Tell me about that.

11 A. File and buff.

12 Q. Okay. Did you learn anything about
13 sanitation?

14 A. Sanitation?

15 Q. Uh-huh. Did you learn anything about
16 proper sanitation or disinfection?

17 A. Yes.

18 Q. How did you clean -- did you learn how to
19 clean up your supplies?

20 A. (No response.)

21 Q. When you finished filing the nails, what
22 did you do with your nail file?

23 A. Trash.

24 Q. You did what?

25 A. (Inaudible.)

1 Q. I'm sorry, I don't understand.

2 A. (Inaudible.)

3 Q. Put everything on the?

4 A. Trash.

5 MR. TRAN: Trash.

6 MS. THOMPSON: Trash. In the trash.

7 MR. TRAN: Yes.

8 MS. THOMPSON: Okay. Thank you.

9 Q. What did you do with your nail clippers?

10 A. Nail clip --

11 Q. No, you're fine. You're doing great.

12 Take your time; you're doing great.

13 A. (Inaudible.)

14 Q. No, you're doing fine. I think you're
15 doing great so far. You're understanding me. We
16 just needed a little help. What did you do -- when
17 you finished clipping the client's nails, what did
18 you do with the nail clippers?

19 A. Just put in the box, in the alcohol.

20 Q. You put it in a box of alcohol. In your
21 wet sanitation?

22 A. I know, but I don't know --

23 Q. Okay. Is that the first thing you did?
24 You would clip the nails, and then you'd just take
25 the clippers and drop them in the box?

1 A. Yeah.

2 Q. Okay. Then what would you do with them
3 after that? You dropped them in the box and then
4 what happened to them?

5 A. Clean and --

6 Q. You're doing good. Clean and?

7 A. -- sanitize.

8 Q. Okay. All right. Tell me another --
9 your nail file, you threw away. Your nail
10 clippers, you dropped in the alcohol box. Tell me
11 another piece of equipment that you may have used
12 and another one that would need to be dropped in
13 the nail box.

14 A. (Inaudible.)

15 Q. I'm sorry?

16 A. (Inaudible.)

17 Q. Soap? You dropped soap in the box of
18 alcohol?

19 A. Soap. Soap and water.

20 Q. Okay. I think we might have a little
21 misunderstanding. What other piece of equipment
22 would you put in the alcohol box with the nail
23 clippers?

24 A. (No response.)

25 Q. Is there anything else you can tell me

1 about what you learned in school?

2 A. The nail.

3 Q. I mean, what else? What was your
4 favorite part?

5 A. I don't know.

6 (Off-the-record discussion.)

7 Q. What was your favorite part of school?
8 What did you enjoy about school?

9 A. Enjoy?

10 Q. Uh-huh. What did you like about school?
11 Was there any part of your school that you liked?
12 that you had fun? that you enjoyed?

13 A. I go around.

14 Q. I'm sorry?

15 A. I go around.

16 Q. You go around?

17 A. Yeah.

18 Q. What do you mean?

19 A. (No response.)

20 Q. What do you mean you go around? Go
21 around where?

22 A. I finish and go around.

23 Q. I don't understand. You go around where?
24 Doing what?

25 A. You asking me what I --

1 **Q. I ask you what you enjoyed about school,**
2 **if you had a favorite part, and you said you went**
3 **around. I'm just trying to find -- what do you**
4 **mean, you went around?**

5 **A. I go to school --**

6 **Q. You go to school and you learned?**

7 **A. What you say? Enjoy what?**

8 MS. THOMPSON: Mr. Tran, we may need
9 some help. Mr. Tran, we need you to stand up and
10 come forward, to be sure that the recorder can hear
11 you.

12 MR. TRAN: Okay.

13 (Mr. Tran interprets.)

14 MR. TRAN: Acrylic.

15 **Q. You enjoyed acrylic.**

16 **A. Uh-huh.**

17 MS. THOMPSON: Okay. Thank you, Mr.
18 Tran. Do any board members have any other
19 questions? Just any other questions from the board
20 members. Are there any board members prepared to
21 make a motion?

22 MS. WEBB: Yes. I make a motion to
23 deny due to several discrepancies within his
24 testimony.

25 MS. THOMPSON: I have a motion to

1 deny. Do I have a second?

2 MS. RODGERS: Second.

3 MS. THOMPSON: I have a motion and a
4 second to deny. Any further discussion?

5 (NO RESPONSE.)

6 MS. THOMPSON: Hearing none, all in
7 favor, signify by saying aye.

8 BOARD MEMBERS: Aye.

9 MS. THOMPSON: Opposed? Motion
10 carries. Mr. Ngo, your application has been
11 denied. You will receive a document which more
12 fully expresses our conclusions in the appropriate
13 language and the format the board has traditionally
14 used. The final written decision must be approved
15 and signed by the chairman, and then it will be the
16 final order in this matter. Thank you. You'll
17 receive something in the mail explaining the
18 proceedings from today.

19 *****

20 MS. THOMPSON: Next on the agenda,
21 U-R-Z-A-G-A-S-T-E. Please come forward. Could you
22 tell me how to pronounce your name?

23 THE WITNESS: Urzagaste.

24 MS. THOMPSON: Would you give your
25 identification, please, to the court reporter.

1 (The witness is sworn in.)

2 MS. THOMPSON: This hearing is
3 called to order. This is the matter of -- I'll
4 spell the name -- J-A-Z-E-L, middle name L-E-N-K-A,
5 last name U-R-Z-A-G-A-S-T-E. The purpose of this
6 hearing is to determine whether the applicant
7 should be granted a license as a nail technician.
8 Everyone is reminded that these proceedings are
9 being recorded and that all witnesses must be sworn
10 before they testify. All remarks should be
11 directed to the chairman.

12 According to notes, staff requests the board
13 to review the education submitted for the
14 applicant. The applicant is present. Ma'am, are
15 you aware that you could have an attorney with you
16 today if you so chose?

17 THE WITNESS: No. I don't have
18 nobody.

19 MS. THOMPSON: But you know that you
20 could have a lawyer if you wanted one?

21 THE WITNESS: If I what?

22 MS. THOMPSON: If you wanted one,
23 you could have brought one with you. Did you know
24 that?

25 THE WITNESS: No, I didn't know.

1 MS. THOMPSON: Would you like us to
2 postpone this hearing until you have the
3 opportunity to get a lawyer?

4 THE WITNESS: No, it's okay. Thank
5 you.

6 DIRECT EXAMINATION OF JAZEL LENKA URZAGASTE

7 BY MS. THOMPSON:

8 Q. So we have your application here for your
9 nail tech license. When did you go to nail tech
10 school?

11 A. February 2010.

12 Q. Okay. And when did you finish school?

13 A. March 24, 2010.

14 Q. And how many hours did you complete?

15 A. Three hundred.

16 Q. And what school did you go to?

17 A. V Tran Academy.

18 Q. And where is that located?

19 COURT REPORTER: I didn't hear that.

20 What was it?

21 THE WITNESS: V Tran Academy.

22 MS. THOMPSON: V Tran. The letter

23 V Tran.

24 COURT REPORTER: Thank you.

25 Q. Where was that school located?

1 A. On South Boulevard, on Tyvola Road, off
2 Tyvola.

3 Q. Where? I'm sorry.

4 A. South Boulevard on Tyvola. That's
5 Charlotte, North Carolina.

6 Q. Charlotte, okay. And where do you
7 currently live?

8 A. I live in Charlotte.

9 Q. And you said you completed 300 hours?

10 A. Yes.

11 Q. In seven weeks?

12 A. Yes.

13 Q. How many days a week did you go to
14 school?

15 A. Five.

16 Q. And how long each day did you go?

17 A. Nine to six.

18 Q. Did you take a lunch break?

19 A. Yes.

20 Q. How long was your lunch break?

21 A. Like hour.

22 Q. Like an hour?

23 A. Yeah.

24 Q. And did you have to clock in and out each
25 day? Or did you sign in and out? How was your

1 attendance recorded at school?

2 A. Sign in and sign out.

3 Q. And did your teacher have to verify your
4 sign in and sign out time?

5 A. Yes.

6 Q. Your teacher have to check that?

7 A. Yes.

8 Q. And were those logs kept at school?

9 A. Yes.

10 Q. Okay. So you signed in at nine o'clock,
11 and then you would sign out at lunch. Twelve?
12 One? What time did you go to lunch?

13 A. Sometimes twelve, sometimes one.

14 Q. Okay. But either way, you would sign out
15 for an hour, and then sign back in. And you --

16 A. Yes.

17 Q. -- went home at six o'clock.

18 A. Yes

19 Q. And what days of the week did you go to
20 school?

21 A. Monday to Friday.

22 Q. Monday through Friday. And how many
23 people were in class with you?

24 A. Like 15.

25 Q. How many teachers did you have?

1 A. Two.

2 Q. And do you remember their names?

3 A. Yes. Ricky and Ling.

4 Q. Ricky?

5 A. Ricky and Ling.

6 Q. And Lee?

7 A. Ling.

8 Q. Ricky was a teacher and Ling was a
9 teacher.

10 A. Yes.

11 Q. Tell me how they worked that out. How
12 did two teachers -- did one teacher teach one
13 particular area and the other one taught another
14 area? Or did they teach at --

15 A. Yes.

16 Q. -- the same time?

17 A. Yes. One used to do that part of old
18 acrylics and nails, toe nails, painting and
19 everything, and the other one that is sanitize and
20 old -- old -- theory.

21 Q. The theory.

22 A. Uh-huh. One is practice and the other
23 one theory.

24 Q. Okay. And you have taken the national
25 exam so far?

1 A. Uh-huh.

2 Q. Already taken that -- did you take that
3 in South Carolina? or in North Carolina?

4 A. I -- I took the one that is for
5 Charlotte, for license for Charlotte.

6 Q. Are you currently licensed in North
7 Carolina?

8 A. Yes.

9 Q. Do you have a copy of that license? I'm
10 sorry; I have it. I apologize; I have it. But it
11 says it expired in 2011. Did you renew that
12 license?

13 A. Yes.

14 Q. Do you have a copy of a current license?

15 A. I don't have that copy, but I have the --
16 my computer, so I have that.

17 Q. The printout from the computer?

18 A. Yes.

19 Q. Could we see that, please? And for the
20 record, it looks like the applicant has given us
21 something that she has printed out possibly from,
22 it looks like, member-based net North Carolina
23 Cosmore (sic) News, I guess. And it says it's
24 payment information, what looks to be for license
25 renewal. And it says her license expires October

1 1st of 2012.

2 Ciel, I'll give you this in just a second, if
3 you need it.

4 Q. Tell me when you were originally
5 licensed; I'm sorry. I didn't see it on there; it
6 may be here. When did you originally get your
7 license in North Carolina?

8 A. October, I think. Yeah, October 2010.

9 Q. There's a date here at the bottom. Could
10 it be November 17?

11 A. Yes, 17th.

12 Q. I just saw that date at the bottom.

13 A. Yes.

14 Q. So you were originally licensed in North
15 Carolina November 17th of 2010. You have renewed
16 your North Carolina license. It is current.

17 A. Yes.

18 Q. In North Carolina, did you take a written
19 exam? and a practical exam?

20 A. Yes.

21 Q. Okay. So at this point, you simply are
22 asking to endorse into South Carolina; is that
23 correct?

24 A. Yes.

25 Q. Unless I'm overlooking, I don't have an

1 **endorsement application on file. Do we have that?**

2 **MS. BAILEY-GLOVER: I apologize.**

3 **This is by examination, she thought she had to take**
4 **the exam. Matteah's not here, but this is an**
5 **examination application.**

6 MS. THOMPSON: Well, I know that it
7 is an examination application, but she's currently
8 licensed in North Carolina. And North Carolina is
9 an NIC state. I know that they -- PSI is the
10 provider for their theory exam. I don't know about
11 practical, but -- so since she's currently licensed
12 in North Carolina, this becomes endorsement.

13 MS. BAILEY-GLOVER: That's not what
14 we have here. And I understand Matteah's not here.

15 MS. THOMPSON: Okay.

16 **A. Excuse me, I took already the -- the**
17 **practical and the writing test here in South**
18 **Carolina. I have here everything. Because that --**
19 **that's what they asked when I called South Carolina**
20 **State Board. They say that I have to take a test**
21 **and do again everything.**

22 MR. GRIGG: Can you let us see that?

23 THE WITNESS: I took the test and
24 everything again because then I took -- when I took
25 that test in Charlotte, I took in my language,

1 which is Spanish. So when I go here --

2 MS. THOMPSON: Okay. So you had to
3 re-test in English.

4 THE WITNESS: Yeah. -- they say
5 that they don't ask it in Spanish; they ask
6 English.

7 MS. THOMPSON: Thank you for
8 clearing that up for us. I think there's just been
9 some confusion. What we're going to need for you
10 to do is simply fill out an endorsement
11 application, so that we have it on file, because
12 you are currently licensed in another state. Since
13 you have already taken the exam with your current
14 license, you're simply going to endorse into South
15 Carolina.

16 (Off-the-record discussion.)

17 MS. THOMPSON: I don't feel like she
18 should. We just need the application on file.

19 MR. GRIGG: She should have been
20 told this back when she filed this application.

21 (Off-the-record discussion.)

22 MS. THOMPSON: If the board doesn't
23 have any other questions, then I'm prepared to hear
24 a motion.

25 MS. RODGERS: I make a motion to

1 approve, pending the receipt of the correct
2 application.

3 MS. THOMPSON: I have a motion to
4 approve Ms. Jazel for her application for licensure
5 into South Carolina. It's going to be an
6 endorsement application, so the motion is pending
7 receipt of that completed application. Do I have a
8 second?

9 MS. CURTIS: Second.

10 MS. THOMPSON: I have a motion and a
11 second. Discussion?

12 MR. GRIGG: We're waiving the fee?

13 MS. THOMPSON: Yes. Would you
14 consider doing that, Cindy?

15 MS. RODGERS: And that also needs to
16 be on that motion to.

17 MS. THOMPSON: The motion needs to
18 be amended to waive her fee. Do I have a second on
19 the amendment?

20 MS. CURTIS: Second.

21 MS. THOMPSON: I have an amendment
22 and a second on the amendment. So the amended
23 motion is to approve licensure, pending the
24 completed endorsement application, waiving the
25 endorsement fee for the applicant. That has been

1 made and seconded. Is there any further
2 discussion?

3 MR. RAY: One additional thing.
4 Going with that route that she went before PCS and
5 the exam --

6 MS. THOMPSON: What didn't get the
7 full fee?

8 MR. RAY: Because we only get the
9 portion, 45 out of the fee.

10 MS. THOMPSON: At this point, the
11 fee's irrelevant to me. The fact of the matter is,
12 this applicant was currently licensed in another
13 state. All she really had to do was test in
14 English, take the practical and then get licensure.
15 She's been delayed and I don't know what other
16 things she's had --

17 MR. RAY: Just putting it out there.

18 MS. THOMPSON: Okay. Thank you. I
19 appreciate the point of clarity, but I think the
20 motion still stands. Did we vote?

21 MS. CURTIS: Yes, we did.

22 MS. THOMPSON: We did vote. Okay.

23 MR. GRIGG: Why don't we --

24 COURT REPORTER: We didn't vote
25 after the amendment.

1 MS. THOMPSON: All in favor of the
2 motion, signify by saying aye.

3 BOARD MEMBERS: Aye.

4 MS. THOMPSON: Opposed? The motion
5 carries. Ma'am, you're approved for licensure in
6 South Carolina.

7 THE WITNESS: Thank you.

8 MS. THOMPSON: You should be getting
9 your license very soon.

10 THE WITNESS: Thank you. I
11 appreciate it.

12 MS. THOMPSON: Thank you. We
13 appreciate you coming.

14 MR. GRIGG: Pending receipt of
15 that --

16 MS. THOMPSON: Pending receipt --
17 yes, I'm sorry. Ma'am, we're going to need you to
18 step -- who's going to help her get that
19 application, Byron?

20 MR. RAY: (Inaudible.)

21 MS. THOMPSON: If you'll just sit
22 tight for just a moment until they can give you the
23 proper application that you're just simply going to
24 fill in today, so that we can make it part of your
25 file. Okay?

1 THE WITNESS: Thank you.

2 *****

3 MS. THOMPSON: Next on the agenda,
4 last name P-H-A-N, first name S-O-N.

5 (The witness is sworn in.)

6 MS. THOMPSON: This hearing is
7 called to order. This is the matter of Son Phan.
8 The purpose of this hearing is to determine whether
9 the applicant should be granted a license as a nail
10 technician. Everyone is reminded that these
11 proceedings are being recorded and that all
12 witnesses must be sworn before they testify. All
13 remarks should be directed to the chairman.

14 Mr. Ray, is the complete application packet in
15 our materials?

16 MR. RAY: Yes, ma'am.

17 MS. THOMPSON: And what question did
18 staff have concerning this application?

19 MR. RAY: Just request for review
20 for the out-of-state school.

21 MS. THOMPSON: And did staff
22 subpoena any other persons to be here today?

23 MR. RAY: No, ma'am.

24 MS. THOMPSON: And the applicant is
25 present. Mr. Phan, do you have anyone else with

1 you today?

2 THE WITNESS: No.

3 MS. THOMPSON: Do you know that you
4 could have a lawyer with you today if you wanted
5 one?

6 THE WITNESS: I don't need.

7 MS. THOMPSON: You don't need.

8 Okay.

9 DIRECT EXAMINATION OF SON DINH PHAN

10 BY MS. THOMPSON:

11 **Q. So we have your application here for a**
12 **nail tech license.**

13 **A. Yes.**

14 **Q. Are you currently licensed in any other**
15 **state?**

16 **A. Yeah. I'm currently licensed in New**
17 **Jersey, California.**

18 **Q. So you have a current license in New**
19 **Jersey and California.**

20 **A. California, yes, ma'am.**

21 **Q. And now you're seeking to have a South**
22 **Carolina license.**

23 **A. Yes, ma'am.**

24 **Q. Where do you currently live?**

25 **A. I live in California.**

1 Q. So why do you want a South Carolina
2 license?

3 A. Because my sister here, you know, I -- I
4 wanted to get the license, so I come -- come here
5 to live with her.

6 Q. Okay. So tell me why you keep your New
7 Jersey license.

8 A. Because, you know, I have a lot of family
9 there and live over there like 13 year already. So
10 I don't know when I'm going to go back over there,
11 you know.

12 Q. So you're going to keep your New Jersey
13 license active, your California license active, and
14 now you want to add a South Carolina license to
15 that.

16 A. Yes.

17 Q. There's a good distance between those
18 three states. You're going to do a lot of
19 traveling?

20 A. Yeah. Because I'm -- I'm by myself, so I
21 like to go, you know, wherever I want.

22 (Off-the-record discussion.)

23 Q. Mr. Phan, did you renew your New Jersey
24 license?

25 A. Yes.

1 Q. Do you have a current copy of your --

2 A. I think you have it already.

3 Q. Wait a second; let's see. Sir, it looks
4 like the copies that we have, both of those have
5 expired. Do you have a current copy of your New
6 Jersey license with you?

7 A. I think in the car.

8 Q. Would you like us to give you a couple
9 minutes to run there and get that, so we could make
10 that part of your record?

11 A. Okay.

12 Q. Sir, Mr. Phan.

13 A. Yes.

14 Q. One second, please. Is your California
15 license current?

16 A. I also have a California license here.
17 You want to take a look at it?

18 Q. Is it current?

19 A. Yeah, it's current.

20 Q. Yes, please.

21 (Board looks over document.)

22 MS. THOMPSON: Okay. For the
23 record, Mr. Phan has presented a current copy of
24 his California license that is valid until
25 September 30th, 2012. All right, sir, if you could

1 quickly get us your New Jersey license that we
2 could enter into the record as well.

3 THE WITNESS: Okay.

4 MS. THOMPSON: Thank you. We'll
5 wait.

6 (Off the record.)

7 MS. THOMPSON: For the record, Mr.
8 Phan has presented us a copy of State of New
9 Jersey, Office of Attorney General stating that he
10 is licensed as manicurist. The license is valid
11 from June 10th, 2011 to September 30th of 2012.
12 We're going to see it, and then we'll get a copy
13 entered into the record.

14 Are there any other questions at this time
15 from board members?

16 **Q. Mr. Pham, we have a little confusion as**
17 **to, again, what type of application you needed to**
18 **present to us. Since you currently have a valid**
19 **license in two other states, you, again, just like**
20 **the previous applicant, would be endorsing into our**
21 **state. There are a couple of items that you've**
22 **submitted that are not complete, that we need.**

23 **A. Yes.**

24 **Q. So what we're going to have to do is have**
25 **you fill in an endorsement application as well.**

1 A. Yes, ma'am.

2 Q. And then go back through the proper steps
3 to get you endorsed into South Carolina. So we're
4 not going to be able to approve what's before us
5 today. But we are going to help you understand
6 what you need to do to be on the right path and the
7 right applications to fill in, to pursue getting
8 license in the future for South Carolina. Do you
9 understand that?

10 A. Yes. I have -- I also, you know, passed
11 the test in South Carolina in 2007 once.

12 Q. You passed the test in South Carolina in
13 2007?

14 A. Yeah. And then -- just the written test.
15 I didn't go back to test because I don't think I
16 come back here. But now with my sister here, I
17 want to come back here to --

18 Q. And that's something that we need -- when
19 you fill the endorsement application out and you
20 are providing information, that can be something
21 that can be looked into at that point. Today, all
22 we really can consider is what's in front of us.

23 A. Yes.

24 MS. THOMPSON: At this time, do I
25 have a board member prepared to make a motion?

1 MS. WEBB: Yes. Madam Chair, I make
2 a motion to deny, due to packet being incomplete.

3 MS. RODGERS: I second the motion.

4 MS. THOMPSON: I have a motion and a
5 second. Is there any further discussion?

6 (NO RESPONSE.)

7 MS. THOMPSON: Hearing none, all in
8 favor, signify by saying aye.

9 BOARD MEMBERS: Aye.

10 MS. THOMPSON: Opposed? The motion
11 carries. Mr. Phan, you will receive in writing,
12 explaining what has happened today. But what we're
13 going to need for you to do is obtain an
14 endorsement application. But someone from staff
15 can help explain that to you, so that you will
16 understand and we can get this process moving down
17 a different path.

18 THE WITNESS: I have a quick
19 question here.

20 MS. THOMPSON: Sure.

21 THE WITNESS: You know, I -- I
22 passed this test twice. So do I need to take a
23 test again to pursue the license.

24 MS. THOMPSON: Without looking at
25 this -- if you've already passed the NIC written

1 and practical --

2 THE WITNESS: Yes.

3 MS. THOMPSON: -- from somewhere,
4 then no, you shouldn't have to. But I would have
5 to see the information in front of me before I
6 could answer you definitively. But that's
7 something that will happen with your endorsement
8 application process, okay?

9 THE WITNESS: Yes, ma'am.

10 MS. THOMPSON: This particular phase
11 we've already voted and finished on. We need to
12 move forward. Okay? Thank you so much. I
13 appreciate you coming.

14 [MARKED FOR IDENTIFICATION AS EXHIBIT NO.
15 1 - Copy of Son T. Pham - New Jersey
16 License.]

17 *****

18 MS. THOMPSON: Next on the agenda,
19 last name N-G-U-Y-E-N, first name T-H-A-O. Please
20 come forward. Ma'am, would you state your full
21 name for the record, please? Yes, would you just
22 say your name out loud?

23 THE WITNESS: It's my name T-H-A-O
24 and the last name is N-G-U-Y-E-N.

25 MS. THOMPSON: Okay. And if you

1 would, raise your right hand and let Ciel swear you
2 in, please.

3 (The witness is sworn in.)

4 MS. THOMPSON: This hearing is
5 called to order. This is the matter of T-H-A-O
6 Nguyen. The purpose of this hearing is to
7 determine whether the applicant should be granted a
8 license as a nail technician. Everyone is reminded
9 that these proceedings are being recorded and that
10 all witnesses must be sworn before they testify.
11 All remarks should be directed to the chairman.

12 Mr. Ray, is the complete application packet in
13 our materials?

14 MR. RAY: Yes, ma'am.

15 MS. THOMPSON: And what questions
16 did staff have concerning this application?

17 MR. RAY: The applicant had an out-
18 of-state school, what appears to be an online high
19 school, it's a non-traditional high school.

20 MS. THOMPSON: Okay. And did staff
21 subpoena any other persons to be here today to
22 answer questions we may have?

23 MR. RAY: No, ma'am.

24 MS. THOMPSON: And the applicant's
25 present. Ms. Nguyen, did you bring anyone with you

1 today to speak on your behalf?

2 THE WITNESS: No, ma'am.

3 MS. THOMPSON: Are you aware that
4 you could have an attorney with you if you wanted
5 one?

6 THE WITNESS: No.

7 MS. THOMPSON: Did you know you
8 could have a lawyer with you today if you wanted to
9 have one with you?

10 THE WITNESS: I don't.

11 MS. THOMPSON: You don't want one?

12 THE WITNESS: I don't.

13 MS. THOMPSON: I'm sorry?

14 THE WITNESS: I don't want.

15 MS. THOMPSON: You don't want one.

16 THE WITNESS: No.

17 DIRECT EXAMINATION OF THAO THI THU NGUYEN

18 BY MS. THOMPSON:

19 Q. So we have your application here for
20 licensure for a nail technician. Do you currently
21 have a license in any other state?

22 A. I have a license in California.

23 Q. In California.

24 A. Yes.

25 Q. You have a current, valid California nail

1 tech license.

2 A. Yes, ma'am.

3 Q. And how long have you had that license?

4 A. Around three months.

5 Q. I'm sorry?

6 A. About three months.

7 Q. Three months.

8 A. Yes.

9 Q. Where do you currently live?

10 A. I live in Michigan.

11 Q. Where?

12 A. Michigan.

13 Q. You live in Michigan.

14 A. Yes, ma'am.

15 Q. Why do you have a California license?

16 A. So because it's -- I come here, I take
17 the license.

18 Q. We can't hear you. You have such a soft
19 voice. Could you speak a little louder for us?

20 A. So I have my friend in here. So I come
21 in here. I take a license.

22 Q. Okay. So you live in Michigan.

23 A. Yes.

24 Q. But you had a friend in California --

25 A. Yes.

1 Q. -- who you went to see and get your
2 California license.

3 A. Yes.

4 Q. So now, why do you want a South Carolina
5 license?

6 A. So because I -- I want to work in and I
7 want to get a job.

8 Q. But you live in Michigan.

9 A. I'm moving here about four year.

10 Q. Okay. I'm confused. You moved here four
11 years ago?

12 A. Yeah.

13 Q. Okay. Maybe you misunderstood my
14 question. When I asked you where you lived and you
15 said Michigan --

16 A. No, I live -- it's -- it's Summerville,
17 South Carolina. Summerville in South Carolina.

18 Q. Did I misunderstand when you said
19 Michigan?

20 MS. WEBB: She said Michigan.

21 MS. CURTIS: She did say Michigan.

22 Q. So let's start from the beginning. When
23 did you move to the United States from Vietnam?

24 A. 2003.

25 Q. 2003.

1 A. Yes.

2 Q. Okay. So you moved from Vietnam. And
3 where did you move? Where did you come -- when you
4 came from Vietnam, what state did you move to in
5 the United States in 2003?

6 A. Michigan originally?

7 Q. In 2003, you moved from Vietnam to
8 Michigan.

9 A. Yes.

10 Q. Okay. And then you lived in Michigan
11 until when? What year?

12 A. About four years. Maybe about four
13 years.

14 Q. So to 2007?

15 A. Maybe 2005/2007, '6.

16 Q. Between 2005 and 2006 --

17 A. Yes.

18 Q. -- you moved? Okay. You moved from
19 Michigan to where? Where did you move?

20 A. I don't remember the address.

21 Q. I'm sorry?

22 A. I don't remember the address. I have
23 a --

24 Q. Ma'am.

25 A. Yeah.

1 Q. I just need -- you lived in Michigan for
2 a couple years. And then when you moved from
3 Michigan, where did you move to?

4 A. I move here. I moved from -- from
5 Michigan to here.

6 Q. To South Carolina.

7 A. Yes.

8 Q. And do you remember approximately when
9 you moved to South Carolina?

10 A. About three or four year.

11 Q. Three or four --

12 A. Three -- three and a half four year.

13 Q. Okay. Between three and four years ago.

14 A. Yes.

15 Q. Which would be approximately 2008? 2007?

16 A. Yes, maybe.

17 Q. And then when did you move to California?

18 A. When I move California, well, I still
19 live in Michigan.

20 Q. How long were you in California?

21 A. Till I live here about four or five
22 months not long.

23 Q. I'm sorry, I didn't quite understand you.
24 How much time did you spend in California?

25 A. I live in California about four and five

1 year, not a lot -- long in California.

2 Q. Four or five years?

3 A. No, four or five month.

4 Q. Months, okay.

5 A. Yes.

6 Q. There we go. So you just went to
7 California for several months. Did you just go to
8 California to go to school?

9 A. Yes.

10 Q. And why didn't you just go to school in
11 Michigan or South Carolina?

12 A. So because I don't have nobody in
13 Michigan, I have a friend in California.

14 MS. WEBB: Repeat that. What did
15 you say?

16 A. She asked me why I don't take a license
17 in Michigan.

18 Q. No. I asked you why you chose to go all
19 the way to California to go to nail school instead
20 of going to nail school in Michigan or South
21 Carolina, which are the two states that you had
22 already lived.

23 A. Because I think I don't have a lot of
24 time, you know, so -- because --

25 Q. It just seems like a long way to go to go

1 to nail school. You went all the way across the
2 country to go to nail school when there are plenty
3 of schools in South Carolina and in Michigan. I'm
4 just trying to understand why you would make such a
5 big trip, to then come back and seek licensure
6 here.

7 A. Because I have kids in Michigan.

8 Q. You have kids in Michigan?

9 A. Yes.

10 Q. But you live here.

11 A. Yes.

12 Q. Are your children still in Michigan?

13 A. No. Right now I live with them in South
14 Carolina.

15 Q. All right. So tell us, when did you go
16 to nail school?

17 A. It's December 19th.

18 Q. What year?

19 A. It's 2005.

20 Q. 2005, okay. And when did you finish nail
21 school?

22 A. I go in April 1.

23 Q. April 1? or March 1?

24 A. April 1.

25 Q. So April 1. How many days a week did you

1 go to school?

2 A. Five day a week ma'am.

3 Q. Five days a week?

4 A. Yes.

5 Q. And how many hours did you go to school
6 each day?

7 A. Say again, ma'am.

8 Q. What time did you start school each day?
9 What time did you have to be in class?

10 A. Nine.

11 Q. Nine. And you got to go home at what
12 time?

13 A. About six, six or seven.

14 Q. Six or seven?

15 A. Yeah, seven, yeah.

16 Q. Did you take a lunch break?

17 A. Sometime, yeah.

18 Q. So you went five days a week. What was
19 your teacher's name? Do you remember your
20 teacher's name in nail school?

21 A. It's Ms. Lena.

22 Q. I'm sorry.

23 A. My -- Ms. Lane.

24 Q. Ms. Lynn?

25 A. Lena or Lana. I don't know.

1 **Q. Okay.**

2 MS. RODGERS: When you were in nail
3 school, did you have a separate room that you did
4 your theory in? Or were you in the same room that
5 you practiced your nails in?

6 THE WITNESS: Different room.

7 MS. RODGERS: Different rooms?

8 THE WITNESS: Yes.

9 MS. CURTIS: On your high school
10 diploma, it's dated 2010, and it looks like you
11 attended nail school years before that. Were there
12 any requirements as far as any type of school?

13 THE WITNESS: (Inaudible.)

14 MS. CURTIS: I'm sorry. Repeat
15 that, please.

16 THE WITNESS: Because I try -- I
17 take high school on a laptop.

18 MS. CURTIS: You took high school on
19 a laptop; is that what you said?

20 THE WITNESS: Yes, ma'am.

21 MS. CURTIS: Okay.

22 THE WITNESS: (Inaudible.)

23 MS. CURTIS: Was that a requirement
24 as far as school is concerned? Or did they even
25 ask you about school as far as -- I'm just trying

1 to -- I noticed it. I'm just trying to determine,
2 in 2010, was this expensive document for you to
3 actually acquire as far as a high school diploma
4 online?

5 THE WITNESS: Yeah.

6 MS. CURTIS: It was?

7 THE WITNESS: Two -- two thousand.

8 MS. CURTIS: Okay. But was this a
9 requirement as far as just coming into this state?
10 Or I'm just trying to get my head around -- I know
11 that online things like this can be quite costly,
12 so --

13 THE WITNESS: So because I don't
14 know if you -- high school -- high school in -- in
15 the United States, so because I try, I do it. So I
16 take -- I send --

17 **Q. Ms. Nguyen, you said you were licensed in**
18 **California?**

19 **A. Yes, ma'am.**

20 **Q. Do you have that license with you?**

21 **A. Yes, ma'am.**

22 **Q. Could we see that, please?**

23 THE WITNESS: No. I have had the
24 driver's license -- driver's license California.
25 No?

1 MS. RODGERS: Nail tech license.

2 MS. THOMPSON: Your nail tech
3 license from California.

4 (Off-the-record discussion.)

5 Q. Ma'am, do you have a valid California
6 license? Did you renew your license?

7 A. Yes, ma'am.

8 Q. Do you have a current copy of your
9 license?

10 A. Yes, ma'am.

11 (Off-the-record discussion.)

12 Q. Ma'am, what's the name of the city that
13 while you were in California, where did you live or
14 stay while you were in school? We're trying to
15 find your license in the California system and it's
16 not giving it to us. So we're trying to search a
17 little harder.

18 A. (Inaudible.)

19 Q. What part of California?

20 MS. CURTIS: You don't have to give the
21 street, ma'am, just the city.

22 A. (Inaudible.)

23 (Off-the-record discussion.)

24 MS. THOMPSON: All right. For the
25 record, we have a copy. Looks like a California

1 website printout that we've just verified. Says
2 she has a current, valid manicurist license in the
3 State of California that expires April 30th of
4 2012. So we have the same situation as previously
5 where this is now an endorsement.

6 **Q. Ms. Nguyen, have you taken tests in South**
7 **Carolina?**

8 **A. Practice.**

9 **Q. You've taken a practical exam?**

10 **A. Yes.**

11 **Q. Did you take a national written theory**
12 **exam in California for licensure?**

13 **A. Yes, ma'am.**

14 **Q. Okay. And so now you've completed the**
15 **practical portion of the national exam in South**
16 **Carolina, correct?**

17 **A. Yes, ma'am.**

18 **Q. Again, what we're going to have to do is**
19 **have some of our information corrected and updated.**
20 **We're going to need for you to fill out an**
21 **endorsement application.**

22 **(Off-the-record discussion.)**

23 MS. THOMPSON: Are there any other
24 questions for this candidate from the board
25 members? Hearing none, is there a board member

1 prepared to make a motion?

2 MS. WEBB: Yes. Madam Chair, I make
3 a motion to deny this packet and I make a motion to
4 deny, due to incomplete application and a change of
5 status for what she needs is endorsement.

6 MS. THOMPSON: I have a motion to
7 deny what is before us today, with instructions
8 provided to the applicant as to the proper steps to
9 follow to get on the right path for licensure in
10 South Carolina, which is via endorsement. Do I
11 have a second?

12 MS. RODGERS: Second.

13 MS. THOMPSON: I have a motion and a
14 second. Is there any further discussion?

15 (NO RESPONSE.)

16 MS. THOMPSON: Hearing none, all in
17 favor, signify by saying aye.

18 BOARD MEMBERS: Aye.

19 MS. THOMPSON: Opposed? The motion
20 carries. Ms. Nguyen, we apologize again. There's
21 some confusion. The path that you have been on so
22 far is not where we need to be to get you
23 licensure. You are currently licensed in
24 California. We need to pursue the endorsement
25 process to get your license in South Carolina. So

1 we've had to deny what's before us today. But that
2 gives you the opportunity to then fill in an
3 endorsement application, let staff verify what we
4 need for endorsement, and then start that process
5 again for you, okay?

6 THE WITNESS: Yes, ma'am.

7 MS. THOMPSON: Okay. Thank you.

8 MS. WEBB: I make a motion for a ten
9 minute break.

10 MS. RODGERS: Second.

11 MS. THOMPSON: Motion and a second
12 for a ten minute break. All in favor, signify by
13 saying aye.

14 BOARD MEMBERS: Aye.

15 MS. THOMPSON: Opposed? Motion
16 carries.

17 (Off the record.)

18 MS. THOMPSON: We're going to have a
19 little bit of a deviation in the agenda. We have
20 an applicant in the room who is not feeling well,
21 so we're going to out of courtesy for her, move
22 things up. So at this time, I'm going to call
23 applicant last name N-G-U-Y-E-N, first name N-G-A-
24 N. If you would come forward, please. Would you
25 state your name for the record?

1 THE WITNESS: My full name is
2 Ngan Bao Thai Nguyen.

3 MS. THOMPSON: And I need for you to
4 get your identification and give it to our court
5 reporter, please, and allow her to swear you in.

6 (The witness is sworn in.)

7 MS. THOMPSON: This hearing is
8 called to order. This is the matter of N-G-A-N,
9 last name N-G-U-Y-E-N. The purpose of this hearing
10 is to determine whether the applicant should be
11 granted a license as a nail technician. Everyone
12 is reminded that these proceedings are being
13 recorded and that all witnesses must be sworn
14 before they testify. All remarks should be
15 directed to the chairman.

16 Mr. Ray, is the complete application packet in
17 our material?

18 MR. RAY: Yes, ma'am.

19 MS. THOMPSON: And what questions
20 did staff have concerning this application?

21 MR. RAY: Just concerns about the
22 out-of-state school attended.

23 MS. THOMPSON: Did staff subpoena
24 any other persons to be here today to answer
25 questions?

1 MR. RAY: No, ma'am.

2 MS. THOMPSON: And the applicant is
3 present. Ms. Nguyen, did you bring a lawyer with
4 you today?

5 THE WITNESS: No, I don't.

6 MS. THOMPSON: And you realize you
7 could have a lawyer if you so chose?

8 THE WITNESS: Yeah, I do, but I
9 don't need one.

10 MS. THOMPSON: Okay.

11 DIRECT EXAMINATION OF NGAN BAO THAI NGUYEN

12 BY MS. THOMPSON:

13 Q. So we have your application here for a
14 nail tech license. Are you currently licensed in
15 any other state?

16 A. No, ma'am.

17 Q. Tell me where you went to school.

18 A. When?

19 Q. Where.

20 A. In Virginia.

21 Q. And when did you go to school?

22 A. It's in 2010, between March and May.

23 Q. March and May of 2010. How many hours
24 did you complete?

25 A. Four hundred hours.

1 Q. Where do you currently live?

2 A. Here in Columbia.

3 Q. In Columbia. When did you move to
4 Columbia?

5 A. Move back in the middle of June 2010,
6 back here, for my uncle. Because he got sick, so I
7 had to move back here to look after him.

8 Q. At the time you chose to go to Executive
9 Beauty Academy in Virginia, did you currently live
10 in Virginia? Or did you live in South Carolina?

11 A. Live in Virginia.

12 Q. You did. How many years did you live in
13 Virginia?

14 A. Just -- I moved there at the beginning of
15 March 2010 and go to school over there. But my
16 uncle got sick, so I have to move back here. So I
17 just live there for couple months.

18 Q. How many days a week did you go to
19 school?

20 A. I went to school from Tuesday to
21 Saturday.

22 Q. And how long were you there each day?

23 A. They started about 9 a.m. to 4 p.m.

24 Q. Okay. And you said you completed 400
25 hours, correct?

1 A. Yeah. Yes, ma'am. Yes, ma'am.

2 Q. And have you taken a national exam so
3 far?

4 A. Yeah, I took the theory and the practical
5 test over here.

6 Q. In South Carolina.

7 A. In South Carolina.

8 Q. Why didn't you test in Virginia?

9 A. Because I don't have time to test over
10 there. I have to move back here as soon as I
11 finish school, and things happened, so I moved back
12 here and take care for my uncle. And then I
13 applied -- I did apply for the national test, and I
14 don't know why -- they don't respond for me or send
15 me any letter. I keep calling them.

16 Q. Who's them. Tell me --

17 A. The PCS -- the PCS, sorry. PCS.

18 Q. When did you start applying to test?

19 A. When did I start applying? I don't
20 remember exactly. It's been so long ago, just 2010
21 and 2011.

22 Q. Okay. So you moved back to South
23 Carolina --

24 A. Yes.

25 Q. -- when you finished your schooling in

1 Virginia, which was May of 2010.

2 A. Yeah. At the time, I -- I was in
3 Virginia.

4 Q. And then you started applying to test in
5 South Carolina when? Do you remember when you
6 started trying to test in South Carolina? I'm just
7 trying to establish how long it took you and why,
8 why it took so long.

9 A. It took me so long.

10 Q. Right. I'm trying to help figure out
11 why. So could you tell me when you applied to
12 test?

13 A. I apply, it's two years ago, 2010.

14 Q. So you started immediately? As soon
15 as --

16 A. Yeah.

17 Q. -- you got back, you started trying --

18 A. Yeah.

19 Q. -- to get tested in 2010?

20 A. Yes. And they said that I -- I need to
21 turn -- turn in a form. And they didn't send me a
22 letter or give me a form or letter, so I have no
23 idea. And I keep calling and check. And they just
24 told me to re-send it again. And I'd re-send it
25 like three times, and they'd never get it. So it

1 took me forever.

2 Q. The only application that I have is date-
3 stamped August 22nd of 2011. So did you actually
4 start -- did you fill in an application prior to
5 that?

6 A. Then -- I don't know how to explain for
7 you, I applied really long time ago, and they don't
8 call me to go take the test until couple months
9 later. I don't remember exactly because I was very
10 busy at that time. And I took a theory test. And
11 I missed the practical test, so I took the theory
12 test again and then I passed. And then they --
13 they say I cannot have a license because my school,
14 it wasn't approved. And then, I mean, I try to
15 talk to many peoples, and then I -- I give up.

16 And then they call me, they say I can take a
17 test again. And then I took a theory test again
18 and practical test again, and then I pass it. And
19 then they don't send me a license. So here I am
20 now.

21 Q. Okay. I think I'm up to speed. But at
22 this point, you have taken both the theory and the
23 practical exam in South Carolina.

24 A. In South Carolina recently, really.

25 Q. Right. So you passed both.

1 A. Yes.

2 Q. And you've completed 400 hours at your
3 school in Virginia.

4 A. Yes.

5 Q. And you did that in 2010.

6 A. Yes.

7 Q. Okay. Are you currently working
8 anywhere?

9 A. I work at school at the bookstore in the
10 work study at school.

11 Q. And do you have a job as a nail tech
12 waiting on you?

13 A. No.

14 Q. You don't, okay.

15 A. No, ma'am.

16 MS. CURTIS: Where did you live
17 before you went to Virginia? Where did you live
18 before you went to Virginia?

19 THE WITNESS: Before I went to
20 Virginia? I was here.

21 MS. CURTIS: You were here in South
22 Carolina.

23 THE WITNESS: Yes, in South
24 Carolina. And then I --

25 MS. CURTIS: And then you moved

1 to --

2 THE WITNESS: -- moved in

3 Virginia --

4 MS. CURTIS: -- Virginia.

5 THE WITNESS: -- with my family.

6 Then have to move back here.

7 MS. THOMPSON: Do any of the board
8 members have any other questions for Ms. Nguyen?

9 MS. RODGERS: Have you taken the NIC
10 exam in any other state beside South Carolina?

11 THE WITNESS: No, ma'am.

12 MS. RODGERS: So this is the only
13 state you've taken it.

14 THE WITNESS: Yes, ma'am.

15 MS. THOMPSON: Any other questions?
16 If there are no other questions, is a board member
17 prepared to make a motion?

18 MS. RODGERS: Okay. Madam Chairman,
19 I make a motion to approve this applicant.

20 MS. CURTIS: Second.

21 MS. THOMPSON: I have a motion and a
22 second to approve the applicant, Ms. Nguyen. Is
23 there any other discussion?

24 (NO RESPONSE.)

25 MS. THOMPSON: Hearing none, all in

1 favor, signify by saying aye.

2 BOARD MEMBERS: Aye.

3 MS. THOMPSON: Opposed? The motion
4 carries. Ms. Nguyen, your application has been
5 approved.

6 THE WITNESS: Thank you.

7 MS. THOMPSON: You're very welcome.
8 You should be receiving your license in the mail.

9 THE WITNESS: Thank you very much.
10 You have a good day.

11 *****

12 MS. WEBB: Madam Chairman, the
13 applicants Du Van Tran and Kim T. Duong seeking
14 endorsement, I make a motion to deny their
15 applications today.

16 MS. THOMPSON: Okay. I have a
17 motion regarding xiii -- which is, if I remember
18 No. 13 -- Kim T. Duong, D-U-O-N-G and then
19 applicant D-U V-A-N T-R-A-N, xviii. Both of
20 these applicants currently have a license in
21 another state. So the information we have before
22 us is incorrect. The motion is to deny what is
23 before us and guide the applicants toward the
24 endorsement path.

25 So I have a motion and a second. Is there any

1 further discussion?

2 (NO RESPONSE.)

3 MS. THOMPSON: Hearing none, all in
4 favor, signify by saying aye.

5 BOARD MEMBERS: Aye.

6 MS. THOMPSON: Opposed? And the
7 motion carries.

8 MS. THOMPSON: Kim Duong, if you
9 would just please stand, and Du Tran. Byron, is
10 there someone from staff that can help explain the
11 situation to them and provide them with the
12 endorsement application?

13 *****

14 MR. SPOON: The board's going to go
15 ahead and call this hearing to order. This is in
16 the matter of Long Phi Pham, License No. NT-2703,
17 OIE Case No. 2011-89. Are all the parties present?
18 Would the parties please identify themselves for
19 the record?

20 MS. BELL: Good morning, board
21 members. My name is Christa Bell and I represent
22 the State in this matter.

23 MR. BELDING: Mr. Spoon, I'm Dave
24 Belding. I'm an attorney here in Columbia, and I
25 represent Mr. Long Phi Pham, and also as it comes

1 up, L'Amour Nails.

2 MR. SPOON: All right. Thank you,
3 sir. The purpose of this hearing is to hear the
4 charges as they're outlined in the Formal Complaint
5 in Case No. 2011-189. Everyone is reminded the
6 proceedings are the matter of public record and we
7 will proceed accordingly.

8 Both parties will be afforded an opportunity
9 to make an opening statement and call any witnesses
10 that they have, conduct, direct and cross-
11 examination, as well as to make a closing
12 statement.

13 Is the State ready to proceed?

14 MS. BELL: Yes.

15 MR. SPOON: All right, Ms. Bell.

16 MS. BELL: Good morning. And with
17 the board's indulgence, I had an opportunity to
18 speak with Mr. Belding this morning. By way of
19 background, you probably see on the Formal
20 Complaint that Andrew Rogers was the attorney that
21 was assigned this case. He's out of state on
22 business for another board and asked because this
23 matter was already noticed and scheduled, if I
24 would stand in his stead. So that's why I'm before
25 you-all today.

1 Mr. Belding and I had an opportunity to meet
2 this morning. The State was ready to go forward.
3 And in discussing the matter with Mr. Belding, they
4 have agreed to all the facts, as well as the
5 violations, as outlined in the Formal Complaint.
6 In that they, if it's acceptable to the board, how
7 we would like to proceed is, we did not have time
8 to draft the Memorandum of Agreement, which I know
9 Mr. Spoon is --

10 MR. SPOON: Okay.

11 MS. BELL: -- familiar with that
12 type of document. But, in essence, I would see
13 this being presented in the same way.

14 MR. SPOON: As an MOA.

15 MS. BELL: We will move the Formal
16 Complaint into evidence as State's No. 1. We have
17 stipulation that everything outlined in the Formal
18 Complaint is accepted to and agreed to by the
19 Respondent. There are additional exhibits that had
20 we gone forward today, we would have introduced
21 those exhibits through testimony.

22 In light of the admissions today, the State
23 foresees that we can dispense with testimony, but
24 we would still like to introduce the documents,
25 which is not unusual in a MOA situation. Mr.

1 Belding has indicated that he would not object to
2 the documents. There are numerous documents, but
3 they all relate to the allegations that are
4 contained in the Formal Complaint.

5 [MARKED FOR IDENTIFICATION AS
6 STATE'S EXHIBIT NO. 1 - Formal
7 complaint.]

8 MR. SPOON: Okay. Thank you, Ms.
9 Bell.

10 MS. BELL: So if the board is --

11 MR. SPOON: Mr. Belding, is that
12 your understanding?

13 MR. BELDING: That is our agreement.
14 We do stipulate to the record as the evidence that
15 Ms. Bell spoke about.

16 MR. SPOON: All right. And just for
17 clarity, there's two types of MOAs. There's the
18 one where you just admit the facts, and there's one
19 where you admit the violation. So as I understood
20 Ms. Bell, just to confirm it with you, you're
21 admitting the facts, as alleged in the Formal
22 Complaint, as well as that those facts constitute a
23 violation of the Cosmetology Practice Act, correct?

24 MR. BELDING: That's right.

25 MR. SPOON: And so you understand

1 that the board's task now is to determine a
2 sanction --

3 MR. BELDING: Correct.

4 MR. SPOON: -- in the matter. Does
5 your client understand that?

6 MR. BELDING: Yes.

7 MR. SPOON: Okay. Does the board
8 understand that?

9 MS. RODGERS: Yes.

10 MR. SPOON: I don't know not seeing
11 you, I don't know how many MOAs you have seen. But
12 you've seen this --

13 MS. RODGERS: Yes.

14 MR. SPOON: -- you've seen this
15 before, okay. So with that, we still adhere to our
16 general hearing format, which is to allow the State
17 to present what is now the Memorandum of Agreement
18 and question concerning the documents themselves.
19 I think those are typically made part of the MOA
20 for exhibit purposes. And I think the board
21 clearly would want to review those exhibits. I
22 don't know if they have copies of them as yet.
23 But, certainly, they should be provided copies of
24 any exhibits that either side refers to in
25 determining an appropriate sanction in this matter.

1 Go ahead and give Ms. Bell the opportunity to
2 make an opening statement as to the presentation of
3 the MOA, and Mr. Belding to then respond.

4 MS. BELL: And just as further kind
5 of a framework as the State envisioned it, we would
6 not be calling any witnesses, obviously, today.
7 But I may have to, when we present the exhibits, I
8 may just have to give you what this exhibit intends
9 to represent without testifying, but just to put it
10 into context so you-all will understand the
11 relevance of the exhibit.

12 And also, I spoke to Mr. Belding, and
13 typically in the MOA context, we would not object
14 to, and we would think that the Respondent would be
15 entitled to offering mitigation evidence,
16 obviously, not to negate the stipulations today.
17 But if they wanted to provide mitigation evidence,
18 obviously, the State would not object to that, and
19 think it would be appropriate at the appropriate
20 time.

21 So with that caveat, I will introduce the
22 State's No. 1, the Formal Complaint. The Formal
23 Complaint basically, all of the allegations, the
24 factual allegations, pertain to unlicensed practice
25 by the Respondent, Long Phi Pham, either -- and let

1 me back up and say that this case is against him
2 individually and his nail tech license; it is not
3 against Glamour Nails. But the evidence that would
4 be presented is that he was the manager at the time
5 and he holds the requisite license, nail tech
6 license.

7 So the allegations are for four instances
8 where there was unlicensed practice, one on January
9 14th, 2011. In that case, I think Mr. Belding
10 would agree that there was a citation issued for
11 \$500 that was paid, and there was also a period of
12 probation at some point in time. I don't know if
13 that was on January the 14th. There was a
14 subsequent violation on May the 13th of 2011, at a
15 time when the Respondent was acting as the manager
16 and was licensed with this board as a nail tech.
17 And there was also at that time a determination at
18 a hearing that the Respondent had violated the
19 Practice Act, and that was made -- there was a
20 citation for unlicensed practice in that particular
21 instance.

22 There were two other instances, one on June
23 the 17th of 2011 and one on August the 12th of
24 2011. And in both of those cases, again, there was
25 a LLR investigation. And at such time, there was

1 revelation that there was unlicensed individuals
2 working at the salon at the time -- I'm sorry, when
3 Long Phi Pham was the manager and licensed with
4 this board as a nail tech.

5 The attachment to that Formal Complaint are
6 all the citations. The common denominator in these
7 instances are that there was evidence of unlicensed
8 practice, which has been stipulated to. And also
9 that during those same times, the underlying common
10 denominator was that the Respondent was the manager
11 and was licensed by this board, thereby giving the
12 board jurisdiction to hear this matter.

13 I apologize for the incredibly numerous
14 documents, but these will be ones that we would
15 present along with testimony had we gone forward as
16 a contested case.

17 These are Citations 318 and 319, State's No.
18 2. And those are just the -- they may be actually
19 part of exhibits of the Formal Complaint, but those
20 are the citations for the January 14th instances.

21 [MARKED FOR IDENTIFICATION AS
22 STATE'S EXHIBIT NO. 2 - Cease and
23 Desist dated 1-14-2011.]

24 MS. BELL: State's No. 3.

25 [MARKED FOR IDENTIFICATION AS

1 STATE'S EXHIBIT NO. 3 - Citation
2 dated 1-14-2011.]

3 MS. BELL: This is where there was a
4 hearing. I guess this would have been DRC, from
5 that January 14th, instances of unlicensed
6 practice. This is where the salon was put on
7 probation. And then No. 4 is actually the report
8 to the full board about the DRC about the January
9 instance.

10 [MARKED FOR IDENTIFICATION AS
11 STATE'S EXHIBIT NO 4 - Disciplinary
12 Report dated 3-7-2011.]

13 MS. BELL: And it's my understanding
14 that the \$500 civil penalty was paid in that case,
15 as reflected.

16 The next set of documents, I will show you
17 relate to the May 13th, 2011 instance of unlicensed
18 practice. And just by way of background, on that
19 particular case instance, Mr. Andrews, Mr. Kyzer
20 and Ms. Della Hammond, who are all here and ready
21 to testify today were present.

22 [MARKED FOR IDENTIFICATION AS
23 STATE'S EXHIBIT NO. 5 - Inspection
24 Report dated 5-13-11.]

25 MS. BELL: And this is the

1 inspection report.

2 MR. SPOON: No. 5?

3 MS. BELL: No. 5.

4 MR. SPOON: Isn't this 6?

5 MS. BELL: This is 6.

6 [MARKED FOR IDENTIFICATION AS
7 STATE'S EXHIBIT NO. 6 - Citation
8 dated 5-13-2011.]

9 MS. BELL: Six is the, where it went
10 to the DRC on June 6th, 2011. And in this case,
11 that is where it was the determination of
12 violation, probation violation, cease and desist
13 order related to unlicensed practice. Again,
14 during this time, the Respondent was the manager
15 and was licensed as a nail tech with this board.

16 During this particular visit, the next
17 document would represent that on the wall there was
18 this license, No. 67306, with a picture of a female
19 with the name Tuan -- and I am sorry, I'm going to
20 butcher your name -- Tang Le. And they were able
21 -- and they had gotten driver's license of the
22 individual that was there, representing herself as
23 Tang Tuan Le.

24 The information that you will also see, which
25 I need to point out, is that license number, when

1 they came back and checked, actually belonged to a
2 gentleman who was licensed as a nail tech with the
3 board, not to this individual who at the time
4 represented herself as Tang Tuan Le. And that is
5 No. 6?

6 COURT REPORTER: that was No. 7.

7 MS. BELL: 7.

8 [MARKED FOR IDENTIFICATION AS
9 STATE'S EXHIBIT NO. 7 - Copy of Tuan
10 Thanh Le's license.]

11 MS. BELL: There were two other
12 individuals that Ms. Hammond would testify today
13 that she saw doing work there that would have
14 required a license, at least a nail tech license.
15 And they ran toward the back, which was the
16 testimony and that these two individuals were --
17 Mr. Andrews spoke with them and they provided
18 identification to him.

19 And this is one individual who was not
20 licensed with the board.

21 COURT REPORTER: Christa, this is 8?

22 MS. BELL: This is 8.

23 [MARKED FOR IDENTIFICATION AS
24 STATE'S EXHIBIT NO. 8 - Copy of
25 Marquez Hung Pham's Georgia Driver's

1 License.]

2 MS. BELL: And this is the second
3 individual that provided documentation to Mr.
4 Andrews, identifying herself, and she was not
5 licensed with the board to do any work as was
6 observed being done.

7 [MARKED FOR IDENTIFICATION AS
8 STATE'S EXHIBIT NO. 9 - Copy of
9 Nhung T. Tran's Georgia Driver's
10 License.]

11 MS. BELL: This next document, which
12 is State's No. 10, is the License No. 67306,
13 registered cosmetologist from this state. And as
14 you can see from the picture on the license that
15 it's actually a gentleman with the name Tuan Tang
16 Le, which relates to No. 7.

17 MR. SPOON: That is correct.

18 COURT REPORTER: That is correct.

19 [MARKED FOR IDENTIFICATION AS
20 STATE'S EXHIBIT NO. 10 - Tuan Thanh
21 Le's Application for Endorsement.]

22 MS. BELL: But the individual that
23 provided the license with her picture attached to
24 it actually registers back to this individual.

25 The State's No. 11 is a document that Mr.

1 Andrews -- the person that reported herself as in
2 the license as Ms. Le. This is a written statement
3 that Mr. Andrews would testify he had taken from
4 her, and it's dated May the 13th, so it's the day
5 that they were out there and the inspection reports
6 were done and the unlicensed practice. So that
7 document relates to number 7.

8 [MARKED FOR IDENTIFICATION AS
9 STATE'S EXHIBIT NO. 11 - Statement
10 given by Ms. Le dated 5-13-11.]

11 MS. BELL: No. 12 is relating to
12 the March 13th date. And what Mr. Andrews would
13 have testified to is that the young lady who signed
14 a statement. He also asked her if she would sign
15 her name as she said it was up under her picture.
16 So this document here is the same as the license
17 information that you have previously as State's No.
18 7. This is the same document with Mr. Andrews
19 asking her to please sign her name. So that's the
20 difference if you'll see from State's 7 and State's
21 12 --

22 COURT REPORTER: The last one was
23 11.

24 MS. BELL: -- 12. Sorry.

25 [MARKED FOR IDENTIFICATION AS

1 STATE'S EXHIBIT NO. 12 - Copy of
2 License with the name Tuan Thanh Lee
3 on it and Tuyet Nguyen signed it.]

4 [MARKED FOR IDENTIFICATION AS
5 STATE'S EXHIBIT NO. 13 - Cards
6 received by Mr. Andrews from an
7 individual from Georgia that was
8 unlicensed in SC.]

9 MS. BELL: State's 13, you'll see
10 two business cards at the bottom. Those would be
11 cards that Mr. Andrews received from the gentleman
12 from Georgia who was unlicensed and was found doing
13 work at Glamour Nails at the time the Respondent
14 was the manager and held a nail tech license.

15 MS. BELL: On June the 17th, there
16 was another instance of unlicensed practice which
17 was stipulated to, while the Respondent was the
18 manager and held a nail tech license with the
19 board. And on that date, a citation was issued.

20 [MARKED FOR IDENTIFICATION AS
21 STATE'S EXHIBIT NO. 14 - Inspection
22 Report dated 6-17-11.]

23 MS. BELL: And you'll see an
24 asterisk. You've had an opportunity to see that
25 there's an asterisk there. Anh Thuy Loan Vo was

1 determined to be unlicensed at that time. And at
2 that time, Mr. Kyzer -- she presented him with
3 identification which is number 15.

4 [MARKED FOR IDENTIFICATION AS
5 STATE'S EXHIBIT NO. 15 - Anh Thuy
6 Loan Vo NC Driver's License.]

7 MS. BELL: It has been the testimony
8 and is believed that this is the same individual
9 that was found at the location on May 13th at the
10 inspection. And we discussed that with Mr.
11 Belding, that there were three times that this
12 young lady was found at the premises during the
13 time of inspections, was not licensed, and was
14 performing services that would have required
15 license, and gave various names and identification.

16 I will fast-forward to the last instance of
17 unlicensed practice that has been -- that's part of
18 this case. And the next 16 and 17 are actually
19 going to be two inspection reports, both from the
20 day of August the 12th, 2011. And on this
21 particular day, Mr. Kyzer initially went out there.
22 And then he went back and he discovered unlicensed
23 practice.

24 [MARKED FOR IDENTIFICATION AS
25 STATE'S EXHIBIT NO. 16 - Inspection

1 report done by Mr. Kyzer.]
2 [MARKED FOR IDENTIFICATION AS
3 STATE'S EXHIBIT NO. 17 - Inspection
4 report done by Mr. Kyzer.]

5 MS. BELL: And then also on that
6 date, pictures were taken at the -- salon was in
7 operation on that day. Mr. Pham as you will see
8 was present that day as in the other cases.

9 [MARKED FOR IDENTIFICATION AS
10 STATE'S EXHIBIT NO. 18 - Photographs
11 showing that the business was
12 opened.]

13 MS. BELL: And these were
14 photographs that were taken at that time. These
15 were the photographs that were taken of the sign-in
16 sheet indicating G Nails from the pictures reflex
17 L'Amour, with the G covered up. But the allegation
18 that we're dealing with today is the unlicensed
19 practice, and that's showing in these photographs.

20 This is just some licensing information. You
21 see the documents that I have marked. And this is
22 the No. 19. It's just the credential view screen
23 that shows the licensing information for Glamour
24 Nails for the Respondent, for nail studio -- not a
25 part of. And then on Tuan Le --

1 [MARKED FOR IDENTIFICATION AS
2 STATE'S EXHIBIT NO. 19 - Credential
3 View Screen for Glamour Nails.]

4 MS. THOMPSON: Is this part of this
5 exhibit, this letter?

6 MS. BELL: Correct. This is part of
7 the licensing --

8 MS. THOMPSON: And that's where the
9 Respondent had asked for a duplicate.

10 So that's the continuation of No. 19?

11 (Off-the-record discussion.)

12 COURT REPORTER: So this needs to be
13 20?

14 MS. BELL: That's right. I'm sorry.

15 [MARKED FOR IDENTIFICATION AS
16 STATE'S EXHIBIT NO. 20 - This is a
17 request for a duplicate license for
18 Long P. Pham.]

19 MS. BELL: This is actually 20,
20 which is a request from the Respondent to the board
21 about asking for a duplicate.

22 [MARKED FOR IDENTIFICATION AS
23 STATE'S EXHIBIT NO. 21 - Agreement
24 of Voluntary Surrender of Truong Q.
25 Tran's Salon License.]

1 MS. BELL: No. 21 is an agreement of
2 voluntary surrender of Trong Q. Tran. And Mr.
3 Belding will probably explain that a little bit
4 more, the relevance is that at certain parts in
5 times during this case, that he had relinquished
6 his license as owner, to own a salon and his salon
7 license.

8 MS. BELDING: This might be the
9 original on that one too.

10 MS. BELL: But at all times, even
11 independent of this voluntary surrender, it is
12 uncontroverted that the Respondent was the manager
13 at all times that these citations were issued for
14 unlicensed practice.

15 And then the final document, I'm sure you've
16 seen. These are copies of business licenses for
17 Glamour Nails, the one located at 1671 Springdale,
18 that are the subject of this Formal Complaint.
19 These are business licenses from the years 2008
20 through the years 2011, which actually
21 -- that one expires this year. But all of them,
22 the relevance of these documents, all of them
23 reflect Long Phi Pham on the business license.

24 [MARKED FOR IDENTIFICATION AS
25 STATE'S EXHIBIT NO. 22 - Copies

1 of the Business Licenses for Glamour
2 Nails.]

3 MR. SPOON: Here are a couple more of
4 these.

5 MS. BELL: Couple more of the --

6 MR. SPOON: No. 21.

7 MS. BELL: Oh, okay. 21 or --

8 MS. THOMPSON: 22.

9 MS. BELL: -- 22. The business license?

10 MR. SPOON: 22.

11 MS. BELL: And that would be the end of
12 the exhibits, that along with the admission from
13 the Formal Complaint, and allegations of unlicensed
14 practice. We just submit to you that these are the
15 documents that further the alleged unlicensed
16 practice and the pattern of unlicensed practice
17 that was allowed to go on during the time that Mr.
18 Pham was the manager of Glamour Nails.

19 I don't have anything further at this time,
20 unless the board has any questions.

21 MR. SPOON: All right. Ms. Bell,
22 nothing further in the way of opening?

23 MS. BELL: Nothing further at this
24 time.

25 MR. SPOON: Okay. Mr. Belding.

1 MR. BELDING: Thank you. Yes, I am
2 here. I'm Dave Belding; I represent Mr. Long Phi
3 Pham. As I understand it, the complaint that we
4 are here for today is against Mr. Pham's individual
5 nail tech license. So that's what we're going to
6 be addressing is his status as a nail tech licensee
7 in the state, and as it relates to his former
8 manage of Glamour Nails in Camden.

9 And we have stipulated to the authenticity and
10 admissibility of the documents, Exhibits 1 through
11 22, whatever it is. Understanding, I reserve the
12 right to ask some questions about those exhibits.
13 But as to their authenticity and admissibility,
14 we've stipulated that those are admissible.

15 That's my opening statements. Christa, you
16 want me to go ahead and call a witness? Or what?
17 Procedurally --

18 MR. SPOON: Hang on. Did you intend
19 to -- I think you indicated earlier, Ms. Bell that
20 you did not intend to call witnesses?

21 MS. BELL: Because of the
22 stipulations to the admissions of the facts, and
23 those facts were -- and they admitted that those
24 facts constitute a violation, along with these
25 documents have kind of put things into context. We

1 are not planning on calling any witnesses. They
2 are here and available to testify, but based on the
3 admissions that the record supports adequately,
4 based on the circumstances --

5 MR. SPOON: Sure.

6 MS. BELL: -- the State's case.

7 MR. BELDING: And I understand if
8 they're here, that she would certainly have the
9 right to call them as rebuttal witnesses if
10 anything comes up about those documents that they
11 want to clarify.

12 All right? You want me to proceed?

13 MR. SPOON: Call your first witness.
14 And I would just be curious as to who the first
15 witness is.

16 MR. BELDING: I'd like to call Mr.
17 Long Phi Pham.

18 MR. SPOON: Okay. Mr. Pham, if
19 you'd be sworn in first, please.

20 COURT REPORTER: I did already
21 verify his driver's license.

22 (The witness is sworn in.)

23 MR. BELDING: Please the board?
24 Thank you.

25 DIRECT EXAMINATION OF LONG PHI PHAM

1 BY MR. BELDING:

2 Q. Mr. Pham, how long have you been in the
3 United States?

4 A. I came here about 1991.

5 Q. Since 1991. And do you read, write and
6 speak English?

7 A. (Inaudible.) No, no.

8 Q. Okay. But do you speak it well enough to
9 communicate?

10 A. Yes.

11 Q. Do you understand the questions that I'm
12 asking you?

13 A. Yes.

14 Q. And are you the licensee? Have you had a
15 nail tech license with the State of South Carolina
16 for some years?

17 A. Yes.

18 Q. Do you remember when you got licensed?

19 A. Yes, 1994.

20 Q. Since 1994? Could it have been 1995? Is
21 that possible?

22 A. Uh-huh.

23 Q. Okay. I mean, the records would reflect
24 it that your recollection is sometime in the mid-
25 90s?

1 A. There about (inaudible) or --

2 Q. Nail tech.

3 A. -- nail tech?

4 Q. Uh-huh.

5 A. Yeah, '94.

6 Q. 1994, okay. Since you have been licensed
7 in the State of South Carolina, has there ever been
8 a complaint made against you as a nail tech? In
9 other words, what I'm asking is, have there been
10 any complaints against you that you personally as a
11 nail tech did not use sanitary procedures?

12 A. No.

13 Q. No?

14 A. No, no, no.

15 Q. Okay. Have they ever against you made an
16 allegation or a complaint that you didn't follow
17 any procedures from the Board of Cosmetology in
18 terms of how you do nails?

19 A. No.

20 Q. Have they ever complained and said "You
21 aren't doing -- you aren't doing the nails right"?
22 Or the toes, for that matter?

23 A. No.

24 Q. Do you do toes too?

25 A. No.

1 Q. Toenails, all right. So the only
2 complaints, is that correct?, are the only
3 complaints that have ever been lodged on you
4 concerning the management of this business?

5 A. Uh-huh.

6 COURT REPORTER: Yes?

7 THE WITNESS: Yes.

8 Q. Did you get this on the record, speak up.
9 Now, how long were you the manager of Glamour Nails
10 in Camden?

11 A. About 17 years.

12 Q. Seventeen years. Okay. And is Glamour
13 Nails in business right now? Is it open right now?

14 A. No.

15 Q. When did it close?

16 A. December 19th, 2011.

17 Q. December 19th, 2011?

18 A. Yes.

19 Q. Okay. Since that time -- now, your
20 personal nail tech license is still active; is that
21 correct?

22 A. Can you say again?

23 Q. Yes, I'll repeat. Do you still have a
24 nail tech license for Long Phi Pham?

25 A. Yes.

1 Q. The same one you've had since 1994.

2 A. Yes.

3 Q. Are you employed at this time? Do you
4 have a job now?

5 A. Yes.

6 Q. Where do you work?

7 A. With -- the Perfect Nail.

8 Q. Perfect Nails?

9 A. Yes. It's in Camden.

10 Q. It's in Camden.

11 A. Yes.

12 Q. Do they have any problems over there,
13 that you know of?

14 A. No, sir.

15 Q. Are you in any kind of management
16 position at Perfect Nails?

17 A. No.

18 Q. What do you do at Perfect Nails?

19 A. Just work -- do nails, nail tech.

20 Q. Nail technician, okay. Now, these
21 exhibits, Mr. Pham, did you hear that I've
22 stipulated to their authenticity and admissibility?
23 Do you know what that means?

24 A. No.

25 Q. Okay. Fair enough. I don't think a lot

1 of people do. In other words, I said that those
2 are true copies of the citations that were written.

3 A. Yes, sir.

4 Q. You understand that?

5 A. Yes, sir.

6 Q. And that they were actually written up by
7 people that worked at LLR, and that they can
8 testify that these are the right copies, and that
9 they found violations on these dates in that
10 location. Do you understand that?

11 A. Yes, sir.

12 Q. Okay. However, let me ask you about a
13 couple of them. For example, State Exhibit No. 2,
14 this was -- and I'll just represent to you that
15 State's Exhibit 2 is a cease and desist order that
16 is issued -- who is it issued to? Can you read
17 that?

18 A. Yes.

19 Q. Who is it -- who is this cease and desist
20 order issued to?

21 A. The owner.

22 Q. Who is the owner of record at that time?

23 A. Mr. Tran.

24 Q. Mr. Tran.

25 A. Yes.

1 Q. Your name is actually not anywhere on
2 this document. Can you see your name on here
3 anywhere?

4 A. No, sir.

5 Q. Now, we're not denying that on this date,
6 January 16, 2011, were you there as the manager of
7 Glamour Nails?

8 A. Yes, sir.

9 Q. I mean, to the best of your recollection,
10 you were actually there.

11 A. Yes.

12 Q. Okay. But in a management capacity,
13 correct?

14 A. That correct.

15 Q. Okay. But this, in fact, this cease and
16 desist order doesn't have your name on it anywhere;
17 does it?

18 A. No.

19 Q. And they didn't ask you to cease and
20 desist as a nail tech; is that correct?

21 A. That's correct.

22 Q. And I'm only going to hit a couple of
23 these, Mr. Spoon and Madam Chairman. Let me go to
24 No. 7; thought that was interesting. Now you saw
25 -- Mr. Pham, did you see State's Exhibit 7?

1 A. Yes.

2 Q. Does that look like a license that was
3 actually in your shop in Glamour Nails at some
4 point?

5 A. Yes.

6 Q. Do you know someone -- do you know who
7 this lady is in the picture?

8 A. Yes.

9 Q. What did you think her name was? Did you
10 think that that was her name?

11 A. I don't know. She -- she --

12 Q. I want to make sure I understand. Did
13 this lady tell you, in Exhibit 7, did she tell you
14 that her name was Tuan Thanh Lee?

15 A. That correct.

16 Q. Okay. Did she show you a driver's
17 license with her name on it as Tuan Thanh Le?

18 A. Yes.

19 Q. Did you try to look up on the LLR website
20 to see if there was a licensed nail tech or
21 registered cosmetologist with that name?

22 A. No, sir.

23 Q. If you had -- and I'm going to refer now
24 to State's Exhibit 19, which is pretty consistent
25 with the -- I understand that Exhibit 19 is an in-

1 house document. I understand, I think, that this
2 exact document is not available for public on the
3 website. But they have some of this information
4 summarized that is available to the public. Mr.
5 Pham, if you had looked up -- when you look at this
6 information, here is one about -- on Page 2 of
7 Exhibit 19, there is a person listed as Tuan Thanh
8 Le as being someone with a license with LLR. Do
9 you see that?

10 A. Uh-huh.

11 Q. Does anywhere on here, does it indicate
12 whether that person is male or female? Do you see
13 anywhere where it says if the person is male or
14 female? Do you see that anywhere? Oh, okay, good
15 idea; get the glasses. It is small print. In this
16 area in here, which is all about Tuan Thanh Le, do
17 you see anywhere where it says whether this person
18 is male or female?

19 A. No, I don't see female on there. Doesn't
20 say.

21 Q. All right. Is there a picture of the
22 person, Tuan Thanh Le, according to who the LLR
23 gave that license to? Is there a picture of that
24 person?

25 A. No picture.

1 Q. No picture. Let me go back to Exhibit
2 No. 7. Did you, Mr. Pham -- my understanding is
3 that this license is altered, perhaps a forgery,
4 that this is not a true license. But I understand
5 that Tuan Thanh Le is licensed by LLR, Board of
6 Cosmetology, that that is not Tuan Thanh Le; do you
7 understand that?

8 A. I understand.

9 Q. This license that you had seen before,
10 did you have anything to do with changing it,
11 putting that picture on there?

12 A. No.

13 Q. Did you alter it, amend it, or forge this
14 license yourself in any way?

15 A. No.

16 Q. Did you accept this as evidence that this
17 person was licensed?

18 A. I accept.

19 MR. BELDING: Ms. Englert, did you
20 get that?

21 COURT REPORTER: I did not.

22 Q. I want you to make sure she understands
23 your answer. Did you accept this as showing that
24 this person in the picture had a license?

25 A. Say again, please.

1 Q. That's a long question. When you saw
2 this --

3 A. Yes.

4 Q. -- did you think that that person had a
5 license?

6 A. Yes.

7 Q. Okay. I understand. Let me ask you
8 about State's Exhibit 14. Do you recognize this
9 document? This inspection report that I will
10 represent to you has been admitted as State's
11 Exhibit 14, have you seen this before?

12 A. Yes.

13 Q. Okay. Let me ask you, about three-
14 fourths of the way down, there is a printed line
15 that says "I have received a copy of this
16 inspection report," and there is a signature. Is
17 that your signature?

18 A. Yes.

19 Q. That is your signature.

20 A. Yes.

21 Q. Okay. So you actually got a copy of this
22 report, correct?

23 A. Yeah.

24 Q. Okay. Now, your name is actually listed
25 on this inspection report. Do you see it right

1 here on No. 1, under licensee?

2 A. Yes.

3 Q. Correct? The problem, as I understand
4 this inspection report from Mr. Jim Kyzer, who's
5 here today, is that there was -- it says at the
6 bottom, "One person working unlicensed" on this
7 date, June 17, 2011, okay. Can you tell from
8 looking at this report, isn't the unlicensed person
9 right here, Anh Thuy Loan Vo? Do you want me to
10 repeat the question?

11 A. (No response.)

12 Q. Here's what I'm asking: On these five
13 names right here, Long Phi Pham, Anh Phuoc Luc, Vo
14 Anh Nhat, Hong Dung Nguyen and Hoan D. Dang --

15 A. Yes.

16 Q. -- all of those people actually had a
17 license; didn't they?

18 A. Yes.

19 Q. Including you. You're No. 2703, right?

20 A. Yes.

21 Q. Okay. But Anh Thuy Loan Vo on this date,
22 in June of last year did not have a license; did
23 she?

24 A. Yes.

25 Q. Is that true?

1 A. That true.

2 Q. Okay. Now, to your knowledge, you know
3 Anh Thuy Loan Vo; don't you?

4 A. Yes.

5 Q. Okay. As a matter of fact, I don't know
6 how you like -- was she or is she your girlfriend?

7 A. No.

8 Q. Does she think she's your girlfriend?

9 A. Maybe.

10 Q. Does she want to be your girlfriend?

11 A. (Inaudible.)

12 Q. Okay. We'll have to ask her. All right.

13 My question is this: To your knowledge, has Anh
14 Thuy Loan Vo now gotten a nail tech license?

15 A. Yes.

16 Q. Were you the one that told her to go
17 "Take your test and get licensed"?

18 A. Yes.

19 Q. Okay. So she became licensed because you
20 told her to go do it.

21 A. That correct.

22 Q. Let me show you State's Exhibit No. 16.
23 Do you recall seeing this? Have you gotten -- do
24 you remember getting a copy of this, State's
25 Exhibit 16? This was in August 12th, 2011. Do you

1 recall? Have you seen this before?

2 A. Yes.

3 Q. Okay. And, in fact, your name is listed
4 as one of the people that was on the premises at
5 the time, correct?

6 A. That correct.

7 Q. And, in fact, once again, we've got under
8 Line 10, Anh Thuy Loan Vo is there and she's listed
9 as not having a license, correct?

10 A. That correct.

11 Q. Now, the second page of Exhibit 16 is a
12 memorandum. And I know you hadn't seen this
13 before. Let me read you part of this memorandum
14 from Mr. Kyzer. In the second paragraph, Mr. Kyzer
15 says, (As read) "This inspector with investigator
16 DeLeon Andrews, was requested by lead attorney LLR
17 to check business to see if they were operating as
18 Glamour Nails and to see if the manager, Pham, is
19 still manager on site. He is not supposed to be
20 the manager." All right? Can you see that?

21 A. Yes.

22 Q. So in other words, as of August 12th,
23 2011, isn't it true that you were not supposed to
24 be the manager of Glamour Nails anymore? According
25 to LLR, isn't that true?

1 A. (Inaudible.)

2 Q. Okay. As of August, you were no longer
3 the manager. Okay. Now, Exhibit No. 22, the last
4 exhibit, are copies of business licenses issued by
5 the City of Camden. You've seen these before?

6 A. Yes, sir.

7 Q. Hanging on the wall in the shop?

8 A. Yes.

9 Q. They have your name down here, Long Phi
10 Pham. 1671 Springdale Plaza, that's the address of
11 the shop, correct?

12 A. That's correct.

13 Q. And for the year of 2011, what date was
14 this license issued? Can you read that?

15 A. April, 2011.

16 Q. Correct. Now, wasn't that before LLR
17 told you you couldn't be the manager anymore?

18 A. That correct.

19 Q. Okay. So you, as the manager, went down
20 every year and applied for and got the business
21 license for the business, correct?

22 A. That correct.

23 Q. And this license, quite frankly, hasn't
24 even expired yet; isn't that true? Doesn't
25 expire --

1 A. That's correct.

2 Q. Mr. Pham, the issue today is two things.
3 One, this board is questioning your ability to
4 continue to have a nail tech license. You
5 understand that?

6 A. Yes.

7 Q. Do you do a good job of doing nails?

8 A. Yes.

9 Q. Has anybody ever complained that you
10 don't do a good job of doing nails?

11 A. Nobody.

12 Q. Never have complained with LLR --

13 A. No.

14 Q. -- against you. All the complaints
15 against you have all been because of your
16 management of this shop; is that correct?

17 A. That correct.

18 Q. Now it's my understanding, your
19 testimony, you're working at -- what was the name
20 of the shop?

21 A. Perfect Nails.

22 Q. Perfect Nails, all right. Have you had
23 any problem since you've been working at Perfect
24 Nails?

25 A. No.

1 MR. BELDING: Mr. Spoon, that's all
2 the questions I have.

3 MR. SPOON: All right. Thank you,
4 sir.

5 Q. Answer any questions she might have.

6 EXAMINATION BY MS. BELL:

7 Q. Good afternoon, Mr. Pham.

8 A. Good afternoon.

9 Q. I'm going to ask you some questions. And
10 if you don't understand them, please, I'll be glad
11 to rephrase them, okay?

12 A. Yes, ma'am.

13 Q. Would you agree that as a licensee, it is
14 important for you to follow all rules and
15 regulations and statutes of your licensee?

16 A. My license?

17 Q. Uh-huh.

18 A. Yes.

19 Q. Okay. Not just doing nails, but all
20 other rules and regulations as well, correct?

21 A. I mean, a lot of people, when they --
22 they check the nail tech license.

23 Q. Right.

24 A. Yes.

25 Q. Okay. And you have agreed today that you

1 did not do that on several occasions, correct?

2 A. That correct.

3 Q. Okay. Now, the young lady that you say
4 you told to go get a license --

5 A. Yes.

6 Q. -- you said she'd not your girlfriend.
7 But she has a license now, correct?

8 A. Yes, that correct.

9 Q. At the time when LLR came in, she did not
10 have a license, correct?

11 A. That correct.

12 Q. And she didn't have -- she didn't even
13 purport to have a license up on the wall; did she?

14 A. Yes.

15 Q. What license was she using?

16 A. Right now? Or before?

17 Q. Before.

18 A. Before, she say she have license. And I
19 say "That -- that good."

20 Q. But you did not verify that.

21 A. I don't know.

22 Q. And it's your job to verify that.

23 A. That correct.

24 Q. Okay. Do you remember when Mr.

25 Andrews --

1 A. Yes.

2 Q. -- and Mr. Kyzer and Ms. Hammond came
3 in --

4 A. Yes.

5 Q. -- one day in May?

6 A. Yes.

7 Q. And do you remember two people going out
8 the back?

9 A. Yes.

10 Q. And do you remember they were from
11 Georgia?

12 A. Yes.

13 Q. Or they said they were from Georgia?

14 A. They say that. But because they -- they
15 just try before to work in Camden or South Carolina
16 and if they know how -- how business go. They
17 drive for a day after that, if they like it, they
18 move to South Carolina. If they don't like it,
19 they move back home everywhere.

20 Q. But you agree that they were there
21 working that day without a license, correct?

22 A. That correct.

23 Q. And you were the manager at that time,
24 correct?

25 A. That correct.

1 Q. Okay. In 2011, who owned Glamour Nails?

2 A. Mr. Tran.

3 Q. Okay. And who else?

4 A. Mr. (inaudible).

5 Q. How about you?

6 A. I just manager.

7 Q. You've never owned any ownership in
8 Glamour Nails.

9 A. No, ma'am.

10 Q. You've never represented that you've
11 owned an ownership interest in Glamour Nails. Did
12 you ever come before this board and tell them that
13 you owned a part of Glamour Nails?

14 A. No, ma'am.

15 Q. Okay.

16 MS. BELL: I'm not sure which number
17 this is.

18 MR. BELDING : It's 10.

19 Q. I'm showing you what's been marked as
20 State's No. 10, without objection. And do you
21 recognize the gentleman in this picture?

22 A. No.

23 Q. Do you agree that it's your
24 responsibility to make sure that anybody that has a
25 license, is properly licensed, as the --

1 A. No.

2 Q. -- manager?

3 A. No.

4 Q. You don't think that's a responsibility
5 you would have?

6 A. I just ask them, "You have license?" and
7 they say "Yes."

8 Q. Even when you've known that in the past,
9 in January, you-all were cited for unlicensed
10 practice, Glamour Nails; is that right?

11 A. That's right.

12 Q. And in May, you were also cited for
13 unlicensed practice, correct?

14 A. Yes.

15 Q. Okay. In June, it's showing you No. 14,
16 you signed --

17 A. (Inaudible.)

18 Q. Okay. And then you-all were on
19 probation. Meaning the Glamour Nails shop was on
20 probation, correct?

21 A. That correct.

22 Q. Because previously, you-all had had
23 unlicensed practice, correct?

24 A. That correct.

25 Q. That same year. So four times in one

1 year while you were manager, you-all were cited for
2 unlicensed practice, correct?

3 A. Yes.

4 Q. And all those times, you were the
5 manager, correct?

6 A. Yes.

7 Q. Now, at some point in time, you said you
8 no longer became manager of Glamour Nails, right?

9 A. You say again, please.

10 Q. At some time, you said you were no longer
11 the manager of Glamour Nails while it was open in
12 2011.

13 A. Yes.

14 Q. Okay. You stopped being manager. When
15 did you stop being manager?

16 A. (Inaudible.)

17 Q. Huh?

18 A. I not stop.

19 Q. You did not stop being manager.

20 A. No.

21 Q. You were continuing to be manager until
22 you-all closed down?

23 A. One time, another guy manage it, not me.

24 Q. When was that?

25 A. In August.

1 Q. And when was that?

2 (Off the record.)

3 Q. In August?

4 A. Yes.

5 Q. You say in August? Okay. Now, Mr.

6 Belding showed you State's No. 22. When you say
7 that you no longer were manager, did you go down to
8 the City of Camden and change this, so that you
9 would no longer reflect that you were no longer the
10 manager?

11 A. Excuse me. You say again, please.

12 Q. Well, you would go -- for Glamour Nails,
13 you would go for the business license in the City
14 of Camden?

15 A. Yes.

16 Q. And you went and got one for Glamour
17 Nails for the year 2011 to go through 2012,
18 correct?

19 A. That correct.

20 Q. And this actually reflects your name
21 here, correct?

22 A. Yes. That correct.

23 Q. Being affiliated with Glamour Nails.

24 A. That correct.

25 Q. And you said you would do that as manager

1 for Glamour Nails, correct?

2 A. I will.

3 Q. Did you go down -- when you say you were
4 no longer manager, did you go down to the City of
5 Camden and have them correct this, so that it no
6 longer reflected that you were the manager of
7 Glamour Nails?

8 A. Say again, please.

9 Q. Did you go down and change this? If you
10 said you weren't the manager anymore, did you go
11 down and change with the City of Columbia, any
12 documents there? I mean, City of Camden; I'm
13 sorry. I'm not trying to trick you. The City of
14 Camden.

15 A. Yeah, we -- we change the name, but --

16 Q. But you did not go down there; is --

17 A. No.

18 Q. -- that right?

19 A. No.

20 Q. Okay. And then -- now, you said you-all
21 closed in December of 2011, correct?

22 A. That correct.

23 Q. You did not voluntarily close, correct?
24 You were given an order to close; is that right?

25 A. That's right.

1 Q. Okay. And did you accept that order on
2 behalf of Glamour Nails?

3 A. Please say again.

4 Q. Did you accept that order? Who took that
5 -- who was that order given to? Do you know?

6 A. Mr. Andrew.

7 Q. Mr. who?

8 A. Andrew.

9 Q. Okay. Gave it to who?

10 A. To close?

11 Q. Yeah. Who did he give the order to from
12 Glamour Nails, saying you-all must shut down? Who
13 did the order --

14 A. Mr. Andrews, DeLeon.

15 Q. Okay. He had the order, right?

16 A. I not understand. But he told me -- he
17 give to me the paper, tell me "close the door."

18 Q. He gave it --

19 A. (Inaudible.)

20 Q. Okay. He gave you the paper.

21 A. Yes.

22 Q. And he explained to you everything,
23 correct?

24 A. That correct.

25 Q. And that was in December of 2011.

1 **A. That correct.**

2 MS. BELL: Beg the board's
3 indulgence for one moment.

4 (Off the record.)

5 **Q. Just a couple more questions, Mr. Pham.**

6 **A. Yes, ma'am.**

7 **Q. Ms. Vo --**

8 **A. Yes.**

9 **Q. -- she was there in May of 2011, working**
10 **at the shop, you remember?**

11 **A. That correct.**

12 **Q. Okay. Then when we came back in June,**
13 **she was also there, correct?**

14 **A. That correct.**

15 **Q. Okay. And then when they came in August,**
16 **she was there again, correct?**

17 **A. That correct.**

18 **Q. And on those three times, she did not**
19 **have a license and did not get a license until**
20 **after you told her to get one, correct?**

21 **A. Correct.**

22 **Q. After August; is that right?**

23 **A. That correct.**

24 **Q. Okay. Why did you let her continue to**
25 **work there without a license, when they had already**

1 identified she could not have a license? I mean,
2 she could not practice without a license?

3 A. We -- we -- we talked with her. And
4 sometime customers come, they ask her something,
5 and they give her -- the customer name. And
6 sometimes she -- she hold it.

7 Q. But why would you continue to have her
8 working there without a license?

9 A. I -- I just tell her to reception, not do
10 nails. Just answer phone, service customer --

11 Q. And how many -- what do you understand
12 her name to be?

13 A. Sometime sometime I busy. I -- I can't
14 look at her every time.

15 Q. And what names did she go by?

16 A. What name?

17 Q. What-all names did she use?

18 A. She use Anh.

19 Q. Okay. What other name?

20 A. Laura, Laura.

21 Q. Laura?

22 A. Yeah.

23 Q. Okay. And what other name?

24 A. I don't know.

25 Q. Okay. And Laura, was Laura found to be

1 **there before in January as unlicensed practice?**

2 **A. Yes.**

3 **Q. Okay.**

4 MS. THOMPSON: Ms. Bell, point of
5 clarification. You asked him when he was looking
6 at this individual, did he respond he couldn't look
7 at her every time?

8 MS. BELL: Uh-huh.

9 MS. THOMPSON: Okay. I just wanted
10 to be certain I had understood correctly.

11 **Q. Do you recall the times when Mr. Kyzer or**
12 **Mr. Andrews came out, when they came out and wrote**
13 **a report? Do you remember them coming out there?**

14 **A. (No audible response.)**

15 **Q. Do you remember them coming out in**
16 **January?**

17 **A. Yes.**

18 **Q. Mr. Kyzer coming out in January?**

19 **A. Yes.**

20 **Q. Do you remember them coming out in May?**

21 **A. Yes.**

22 **Q. And do you remember them coming out in**
23 **June?**

24 **A. Yes.**

25 **Q. And do you remember them coming out in**

1 **August?**

2 **A. Yes.**

3 **Q. And in all those times, did they talk**
4 **with you when they came in there?**

5 **A. Yes.**

6 **Q. And did they tell you about the problems**
7 **when they came there?**

8 **A. Yes.**

9 **Q. Okay. And they explained that to you; is**
10 **that right?**

11 **A. Right.**

12 MS. RODGERS: Ms. Bell, I don't mean
13 to backtrack. When you were asking him about the
14 names that she was using, he said two names, and
15 then he said a third. Did he say a third name? He
16 gave two names, and then the last was a different
17 name, an Anna.

18 MS. BELL: Beg the board's
19 indulgence for a moment.

20 (Off the record.)

21 MS. BELL: I have no further
22 questions at this time. Thank you.

23 MR. SPOON: Just a point of
24 question. Do you know the question I was going to
25 suggest as a way to get at -- it's not so much a

1 question from a board member, just clarification of
2 the answer at this point.

3 MS. BELL: Okay.

4 MR. SPOON: Do you recall the
5 question that elicited the response that the member
6 has a question about?

7 MS. BELL: I do. I asked about the
8 young lady that indicated that she was his
9 girlfriend, or wanted to be his girlfriend, Ms. Vo.
10 Okay. You remember testifying about her?

11 THE WITNESS: Uh-huh.

12 MS. BELL: Okay. How many times had
13 she been working in the salon, when LLR came out
14 there?

15 THE WITNESS: Four times.

16 MS. BELL: Okay. And what names did
17 she use?

18 THE WITNESS: She use Anh, sometimes
19 she use Laura, because she take her real name is,
20 sometimes she use Lo, Laura Anh, sometimes she use
21 it.

22 MR. SPOON: I think that got it.

23 MS. BELL: Okay.

24 MR. SPOON: And you didn't have any
25 further questions?

1 MS. BELL: No further questions at
2 this time.

3 MR. SPOON: Mr. Belding, redirect?

4 MR. BELDING: Yeah, I think just for
5 point of clarification, lady's name is Anh Thuy
6 Loan Vo. And so I think she goes by Anh, and maybe
7 Laura's her English name.

8 Let me ask, can we stipulate what the date is
9 that LLR did not want Mr. Pham to be the manager
10 anymore? Just so we can move along with that.

11 MS. BELL: Right. Right. I think
12 the memorandum --

13 MR. BELDING: On August the 12th of
14 '11, according to Mr. Kyzer, he was told Mr. Pham
15 wasn't supposed to be the manager. So is that --
16 what's the operative date?

17 MS. BELL: I would say that I don't
18 know if any decision was made regarding that, but
19 that is certainly something for the board to
20 consider. I don't know that there was an exact
21 date, if any action was taken on that. But that
22 memo does kind of speak --

23 MR. BELDING: It does.

24 MS. BELL: -- for itself.

25 MR. BELDING: I agree. And I guess,

1 before I do my redirect, Mr. Spoon, my question is
2 just, you know, we're making a record.

3 MR. SPOON: What exhibit number does
4 it involve?

5 MR. BELDING: Sixteen.

6 MR. SPOON: Sixteen.

7 MR. BELDING: Second page. Memo
8 from Mr. Kyzer. So on the date that he wrote it,
9 which is August the 12th, some time prior to that,
10 according to the fifth line, says "He is not -- he
11 being Mr. Pham -- is not supposed to be the
12 manager."

13 And really, my point is simply this, if LLR
14 instructed him not to be the manager prior to
15 August the 12th, then I would move to dismiss any
16 allegations of his managership improprieties after
17 that date, because, you know, by your own
18 documents, he shouldn't be held responsible for a
19 managership after that date.

20 MS. BELL: And I'm going to object
21 to that because that might be -- the voluntary
22 surrender, here's the way I foresee what happened
23 logically, is that the voluntary surrender of the
24 owner, the supposed owner, record owner, of the
25 salon, was he signed it in June. So if the owner

1 is no longer there and has given up his license to
2 operate a salon, question becomes: Who's operating
3 it? Who owns it? How is it continuing to go on?

4 The question that I presented to Mr. Pham is
5 at the end there was given a cease and desist
6 order, because what's not part of this case,
7 really, is that there was a Glamour Nails. And
8 then when there was a voluntary surrender, they
9 were going to try to come in and organize under
10 another name, L'Amour Nails. So some of the
11 pictures you will see takes out the name G. But
12 the salon was continuing to operate, regardless of
13 whether he was supposed to be considered a manager
14 or not, or if all the paperwork was in place, it
15 was still operating.

16 And we heard Mr. Pham say in December when the
17 cease and desist order was given, it was given to
18 Mr. Pham, by his own testimony. And he said it was
19 given to him, and Mr. Andrews explained to him the
20 order. What I was trying to establish there, along
21 with the paperwork, is even if he wasn't supposed
22 to be manager, even if it was LLR's position that
23 he was not supposed to be manager, he was acting in
24 the capacity of a manager, and the records reflect
25 that, and the testimony reflects that.

1 So that's where I think we are still on board
2 with the admissions, with the evidence, even based
3 on what Mr. Pham himself says today. He could say
4 that it was LLR's position that he not act as
5 manager. The bottom line is, the salon was still
6 running. We don't have the name of another
7 manager. And when they come in to do subsequent
8 inspections, he is acting as the manager and
9 doesn't tell them he's not the manager and doesn't
10 provide any other information. So that is
11 consistent with all the evidence that's been
12 presented.

13 So I don't think it's inconsistent.
14 Obviously, there is some issues with the way the
15 salon is operating, independent of him as a
16 licensee as a nail tech. But I think all the
17 evidence that's before you today reasonably
18 supports that he was acting as the manager, whether
19 or not LLR thought he should have been or should
20 not have been.

21 MR. BELDING: We're mixing two cases up
22 here, and that's a problem, is that we keep talking
23 about the salon license. And my understanding is,
24 we're not here to talk about the salon license
25 today. We're here to talk about Mr. Pham's nail

1 tech license. So just on a going-forward basis, am
2 I right about that?

3 MR. SPOON: Before we get too far down
4 the road, let's think about where we are in the
5 hearing format itself, which is you are at the
6 point now where you would have the opportunity to
7 do some redirect.

8 MR. BELDING: Right.

9 MR. SPOON: I think the Motion to
10 Dismiss, as a motion, is out of order. You can
11 certainly argue that the formal complaint, although
12 there's an MOA on the table, you can certainly
13 argue that the formal complaint and the charges
14 that underlie it should be dismissed by the board,
15 and the board has that discretion. You can also
16 argue the date, make the date argument in
17 mitigation of the severity of the violations.

18 MR. BELDING: Okay.

19 MR. SPOON: What I'm going to suggest to
20 the board now is to ask you to do your redirect.

21 MR. BELDING: That's fine. As long as I
22 can bring that back up.

23 MS. BELL: And procedurally, let me just
24 say, I have no problem with if we are going forward
25 with the Memorandum of Agreement and we have agreed

1 -- I have agreed to waive presentation of the case.
2 In the full presentation of the case, we have an
3 agreement that these facts were stipulated to. And
4 to come -- that's in total violation of what a MOA
5 is about. And I have not presented anything here
6 that was a surprise, as far as what the formal
7 complaint. All the documents related to the
8 inspection, the inspections and all the
9 information. If that's the case, I would move to
10 withdraw the MOA.

11 MR. BELDING: And all I'm saying is, I
12 clearly stipulated that all the site violation
13 reports and all the documents that LLR had
14 generated, I was stipulating as to their
15 authenticity of admissibility. Nowhere did I say
16 -- and actually, I stipulated to the facts. But
17 some of those documents are citations against
18 Glamour Nails, and that's not the hearing we're
19 here on. That's all I'm saying.

20 MS. BELL: Right.

21 MR. SPOON: And that's a fair point,
22 again, just for purposes of where we are in the
23 hearing.

24 MS. BELL: But I think it is important
25 because the MOA was not just the stipulation of the

1 facts. It was a stipulation to the violations. It
2 was a stipulation that the name on the complaint is
3 not Glamour Nails. He just happens to be working
4 at Glamour Nails and is a manager for Glamour
5 Nails. But the stipulation to the violations go to
6 Mr. Pham.

7 So if you're now saying you're moving to
8 dismiss, what you are doing, in effect, is you are
9 saying, "We don't have a valid MOA," because you
10 can't part and parcel it. It's an agreement. I
11 stipulate to the Formal Complaint; it has been
12 moved into evidence. All these documents just went
13 to present -- now, what weight to give it, and what
14 mitigation you may want to present -- but if you
15 are saying you're moving to dismiss for something,
16 you're basically saying "We no longer agree with
17 the MOA." And if that's the case, that's fine.
18 We'll put up our case in full and be ready to go.

19 MR. BELDING: Let me withdraw the
20 motion for now. I'm going to do it as part of
21 mitigation. We'll just bring out the facts.

22 MR. SPOON: That's certainly my
23 suggestion to the board, is to rule that your
24 motion to dismiss at this stage is out of order.
25 And that you now can do your redirect.

1 MR. BELDING: Fair enough. Please
2 the board.

3 REDIRECT EXAMINATION BY MR. BELDING:

4 Q. Mr. Pham, I only had a couple questions
5 for you. One, you know what the word purported
6 means?

7 A. No.

8 Q. One of the questions that Ms. Bell asked
9 you continued the word "purported," and I didn't
10 know if you knew what that meant.

11 A. No.

12 Q. Okay. All right now, she asked you, "Do
13 you own Glamour Nails?" And my question to you is:
14 On any documentation that has ever been submitted
15 to LLR, are you listed as the owner of Glamour
16 Nails?

17 A. No.

18 Q. Were you listed on the application for
19 L'Amour Nails as the owner?

20 A. No.

21 Q. No. Okay. Do you understand -- what do
22 you think Ms. Bell meant when she asked you "Do you
23 own Glamour Nails"?

24 A. (No audible response.)

25 Q. Did you understand what she was asking

1 **you?**

2 **A. Not really.**

3 **Q. Did you think she might have been asking**
4 **you "Who is the listed owner --**

5 MS. BELL: I'm going to object --

6 **Q. -- of the shop?**

7 MS. BELL: -- to leading. I've let
8 a lot of leading go on because I understand there's
9 some language barrier. But Mr. Belding doesn't get
10 to testify.

11 MR. BELDING: Okay. That's fine.

12 Let me rephrase it.

13 **Q. Did you understand what Ms. Bell meant by**
14 **her question about "Do you own Glamour Nails"?**

15 **A. No.**

16 **Q. Okay. Do you have any knowledge about**
17 **the regulatory requirements of the Camden Business**
18 **License Office?**

19 **A. Say again.**

20 **Q. Do you know, the Camden City Business**
21 **License Office?**

22 **A. Yes.**

23 **Q. Do you know whether they require you to**
24 **go down and change the name if you are no longer**
25 **the manager?**

1 **A. No.**

2 **Q. I don't either. All right. That's the**
3 **only questions I had on redirect.**

4 MR. SPOON: Okay. At this point, it
5 would be the board's convention to ask any
6 questions it might have of the witness. Mr.
7 Belding, you have any objection to that?

8 MR. BELDING: No objection.

9 MR. SPOON: Have the witness answer
10 through you or directly answer questions from the
11 board, if possible.

12 MR. BELDING: Best of luck.

13 MS. RODGERS: I have a question.
14 And I'm sure this is probably going to go back to
15 the way Ms. Bell asked this. But if you are an
16 active manager, then did the owner sit down with
17 you and tell you what your responsibilities were of
18 a manager? Or were those responsibilities you were
19 supposed to encounter?

20 MS. THOMPSON: He's not going to
21 understand that.

22 MS. RODGERS: So how do I ask that
23 question?

24 MS. THOMPSON: Were you ever
25 explained what your duties as a manager were going

1 to include from the owner of the salon? Did the
2 owner ever tell you what he expected you to do as
3 the manager?

4 THE WITNESS: I work Glamour Nails a
5 long time, and every customer, everyone know me,
6 they -- they -- they ask me everything.

7 MS. THOMPSON: Right. But did the
8 owner of the salon ever explain to you what your
9 job requirement would be when he hired you? Did he
10 ever tell you what you needed to do to manage the
11 salon?

12 THE WITNESS: Yes. Sometime.

13 MS. THOMPSON: He did. What did he
14 tell you your responsibilities or your duties were?

15 THE WITNESS: He don't tell me when
16 I be manager what he told me I give service good,
17 clean up, do everything right.

18 MS. THOMPSON: How often did the
19 owner visit the salon?

20 THE WITNESS: Sometime once a month,
21 sometime two -- two months. He lived in Irmo.

22 MS. THOMPSON: I'm sorry, lived
23 where?

24 THE WITNESS: He lived Irmo.

25 MS. THOMPSON: Irmo.

1 THE WITNESS: Yes.

2 MS. RODGERS: And let me continue to
3 ask you this: Someone had to tell you that you had
4 to go down to the City Camden to apply for a
5 business license. So if you knew that, how did you
6 not know what you were supposed to do if you were
7 no longer the manager? Who led you to downtown, to
8 apply for your business license for this salon?

9 THE WITNESS: Well, nobody told me.

10 MS. RODGERS: So how did you know to
11 go?

12 THE WITNESS: Long time, the owner,
13 he -- he not feel good, and he lived in Irmo. He
14 told me -- the City of Camden -- pay the -- the
15 bill for the -- the business.

16 MS. RODGERS: But if I'm not
17 mistaken now, and I'm going by my town, if you
18 apply for these license, for the city license, you
19 pay a percentage of the earnings to that city,
20 Camden, and that is how they come to the amount
21 that you pay for your city license in Camden.

22 Am I right with that, Ms. Bell? Or am I not?
23 Is that how Camden or most of the cities do?
24 because that's how ours do.

25 MR. SPOON: Just ask your question.

1 She can't --

2 MS. RODGERS: Okay. If you went to
3 apply for the city license in the City of Camden --

4 THE WITNESS: Yes.

5 MS. RODGERS: -- you had to pay -- I
6 don't know how to explain it to him.

7 MS. THOMPSON: Ask him if he
8 was the signer of the checkbook.

9 MS. RODGERS: Who signed the
10 checkbook for the business, for you to write out
11 your power bill and your water bill and the
12 different bills? Who wrote those checks? You? Or
13 the owner?

14 THE WITNESS: I sign the checks.
15 But before, when the owner take me go to the bank
16 he tell me -- he tell the -- the teller, the people
17 at the bank, he say I can sign the check.

18 MS. RODGERS: So both of you were on
19 your --

20 THE WITNESS: Yes.

21 MS. RODGERS: -- on the signature
22 card.

23 MS. CURTIS: Okay. I have a
24 question.

25 THE WITNESS: Yes.

1 MS. CURTIS: Who is this person?
2 And I'm referencing State No. Exhibit 15. Who is
3 this?

4 THE WITNESS: That a girl, worked
5 with us.

6 MS. CURTIS: Is it? Is this the
7 same girl that worked with you whenever you
8 received the citation, that is State's Exhibit No.
9 -- I don't have a number on this one. It's she the
10 one where --

11 MS. THOMPSON: I might be able to
12 help you.

13 MR. BELDING: Is it 14 by chance Ms.
14 Curtis?

15 MS. CURTIS: Is that 14? No. 14?

16 MS. THOMPSON: No, I have that as
17 15.

18 MS. CURTIS: 15.

19 MS. THOMPSON: This one here?

20 MS. CURTIS: This one.

21 MS. THOMPSON: Oh, I'm sorry, that
22 is 14.

23 MR. BELDING: Do you mind if assist
24 to make sure that he looking at the right thing?
25 This is 15; that is 14.

1 THE WITNESS: Yes.

2 MS. CURTIS: It's the same girl?

3 Okay. And how many times was she working in there
4 whenever you were inspected? How many times was
5 she working there without a license, that you were
6 inspected?

7 THE WITNESS: I don't remember.

8 MS. CURTIS: You don't remember? I
9 think it was -- I think you said four. Is that
10 correct? I'm thinking four.

11 MS. THOMPSON: That's what I --

12 MS. CURTIS: I think that you said
13 that she was working there four times.

14 THE WITNESS: When the -- the --

15 MS. CURTIS: Yes.

16 THE WITNESS: -- the State Board --

17 MS. CURTIS: Yes.

18 THE WITNESS: Yes.

19 MS. CURTIS: And you knew she didn't
20 have a license the first time they found her
21 working there.

22 THE WITNESS: When -- when she did
23 worked with us, she said she had the -- the nail
24 license.

25 MS. CURTIS: But after that first

1 time, you knew she didn't have a nail license; is
2 that correct?

3 THE WITNESS: When -- when the
4 inspection, they call me and check it and it was
5 not her license.

6 MS. CURTIS: Uh-huh.

7 THE WITNESS: Yeah.

8 MS. CURTIS: Okay. So this was not
9 her license.

10 THE WITNESS: Before I think it was
11 her license. After that, then say "not her
12 license."

13 MS. CURTIS: And this is the same
14 person.

15 THE WITNESS: Yes, ma'am.

16 MS. CURTIS: But you knew her as
17 this name, and she's presenting this license to you
18 in this name.

19 THE WITNESS: Before, she don't show
20 me the license. She then showed me the -- the --
21 you know, the license, nail tech --

22 MS. CURTIS: But you testified you
23 knew her as Anh and Laura. But she presented you
24 with this license.

25 THE WITNESS: No. Look like --

1 look like my name is wrong. But customers call me
2 Pham. We don't -- we take different name.

3 MS. CURTIS: Okay. Thank you.

4 MR. BELDING: Beg the court's
5 indulgence.

6 (Off the record.)

7 MR. SPOON: Think there might be one
8 additional question at least from the board
9 members.

10 MS. THOMPSON: One second, please.
11 I apologize.

12 (Off-the-record discussion.)

13 MS. THOMPSON: Mr. Pham, when you
14 first back in 1994 or 1995 applied for licensure in
15 South Carolina, do you remember applying for your
16 license?

17 THE WITNESS: Say again.

18 MS. THOMPSON: Do you remember when
19 you were filling out your paperwork --

20 THE WITNESS: Yes.

21 MS. THOMPSON: -- to get your
22 license --

23 THE WITNESS: Yes.

24 MS. THOMPSON: -- back in 1994 or
25 '95 --

1 THE WITNESS: Yes.

2 MS. THOMPSON: -- do you remember
3 reading the application and answering the questions
4 that you had to answer to get your license?

5 THE WITNESS: Yes.

6 MS. THOMPSON: Okay. Do you
7 remember the question that asked you if you
8 understood that by having that license that you
9 were responsible for abiding by all of the rules
10 and regulations, statutes, set forth, that pertain
11 to the cosmetology and nail tech industry?

12 THE WITNESS: Yes.

13 MS. THOMPSON: You remember agreeing
14 to that?

15 THE WITNESS: Yes.

16 MS. THOMPSON: And in doing so,
17 included in our statutes and regulations specifies
18 that a manager is responsible for every licensee or
19 person working in that building. So you remember
20 agreeing to those terms, but then if I'm correct in
21 my understanding, you're not quite sure that the
22 responsibility of these other individuals fell on
23 your shoulders as the manager; is that correct?

24 THE WITNESS: You know when the
25 people come to work, "You have a nail technician

1 license?" They say, "Yes." And, you know -- and
2 when we say yes, we don't check back, you know, we
3 don't have computer to check it. And if they do
4 another --

5 MS. THOMPSON: Right. But when you
6 received your license, you understood what was
7 required of you by the regulations that you were to
8 abide by when you obtained your license.

9 THE WITNESS: Yes, ma'am.

10 MS. THOMPSON: Okay.

11 MS. WEBB: Let me ask you, just so I
12 can understand, do you own a part of Glamour Nails?
13 Are you an owner?

14 THE WITNESS: Owner of Glamour
15 Nails?

16 MS. WEBB: Have you been an owner in
17 the past? Or do you own Glamour Nails?

18 THE WITNESS: No, ma'am.

19 MS. WEBB: You've never been an
20 owner? You never had a part interest at all in
21 Glamour Nails?

22 THE WITNESS: No, ma'am.

23 MS. THOMPSON: Who currently owns
24 Glamour or L'Amour Nails? Who owns that right
25 now?

1 THE WITNESS: (Inaudible.)

2 MS. THOMPSON: I'm sorry?

3 THE WITNESS: We applied for that
4 because Mr. Tran, he's sick.

5 MS. THOMPSON: Who owns the salon in
6 question where you were the manager, currently,
7 right now, who owns that?

8 THE WITNESS: Right now?

9 MS. THOMPSON: Uh-huh.

10 THE WITNESS: Right now is my
11 lawyer applied for the lady --

12 MS. BELL: I'm going to object.

13 MS. THOMPSON: To my question?

14 MS. BELL: No, not to the question.
15 To him turning around asking his lawyer for the
16 answer.

17 MS. THOMPSON: Mr. Pham, I
18 understand that you're saying during these
19 inspections that we've heard about, that you did
20 not own the salon. But who owns the salon right
21 now? When the salon was closed in December of
22 2011, who was the owner at that time?

23 THE WITNESS: Mr. Tuy Nguyen.

24 MS. THOMPSON: Mr. Who?

25 THE WITNESS: T-U-Y and last name is

1 N-G-U-Y-E-N.

2 MS. THOMPSON: Okay. Have you ever
3 applied to own the salon? Have you ever submitted
4 an application for ownership of that particular
5 salon?

6 THE WITNESS: No, ma'am.

7 MS. THOMPSON: No.

8 MS. WEBB: Out of curiosity, may I
9 ask this, who owns Perfect Nail?

10 THE WITNESS: Nsan, my friend.

11 MS. WEBB: Who is that?

12 THE WITNESS: Mr. Nsan Do. His --
13 his last name is D-O. First name is N-S-A-N.

14 MS. THOMPSON: Did you say last name
15 D-O?

16 THE WITNESS: Yes.

17 MS. NYE: And I want to ask a few
18 questions. As manager, you said that you didn't
19 check the license when a new employee came. You
20 didn't have a computer, to check on the website.

21 THE WITNESS: That correct.

22 MS. NYE: But you've received
23 multiple instances of unlicensed practice
24 throughout those months. So you didn't think to
25 change your practice? Maybe you should check up on

1 a new employee? Or check their license and the
2 credentials? Did you ever think to do that?

3 THE WITNESS: No, I haven't.

4 MS. NYE: And why is that?

5 THE WITNESS: Because I -- I
6 believe.

7 MS. NYE: You believed them?

8 THE WITNESS: Yes.

9 MS. WEBB: Even after the fact that
10 you knew that it was unlicensed, from the first
11 time that the person was unlicensed, you still
12 believed them?

13 THE WITNESS: After that, you know,
14 we tell them take down, we take license or, you
15 know, (inaudible) when we found out that not her
16 license, we -- she need work and you don't do nails
17 and you do reception, answer phone.

18 MS. WEBB: But they did come back in
19 there. The inspectors did come back in and they
20 found her working again.

21 THE WITNESS: Not really. Because
22 some customers know her and when we are busy get
23 her to look at customer nails and sometime the
24 customer try nail polish, you know, the color. And
25 they know like, or how color show up with her nail.

1 That's why the customer try the polish and try
2 another color they like, you know.

3 MS. THOMPSON: I have one final
4 question. And I am referencing -- what is this
5 called?

6 MR. SPOON: Well, it's an inspection
7 report.

8 MS. THOMPSON: What is it? Is it
9 included in any of the state's --

10 MR. SPOON: And just for counsel's
11 reference, we're not sure what number this is, but
12 it's part of the original packet that contained a
13 Formal Complaint and the things that follow that.
14 It is probably a duplicate of one of the exhibits
15 that are numbered.

16 MS. THOMPSON: And maybe I can find
17 it that way, to make it easier.

18 MS. RODGERS: No. 16?

19 MR. SPOON: 16.

20 MS. THOMPSON: I'll be referencing,
21 I think, No. 5 and No. 14, I think if my numbers
22 are correct. IS that what you have?

23 MR. SPOON: Yes. Exhibits 5 and 14.

24 MS. THOMPSON: So, Mr. Pham --

25 THE WITNESS: Yes.

1 MS. THOMPSON: -- on Exhibit No. 5,
2 which is dated May the 13th, 2011 --

3 THE WITNESS: Yes.

4 MS. THOMPSON: -- prior to this
5 date, the individuals working in the salon came to
6 you for a job. You asked them if they were
7 licensed. They said, "Yes," and you believed them.
8 On May the 13th, you were inspected and those
9 individuals one thorough six were listed as working
10 in the salon. It was brought to your attention at
11 that time that there were individuals there who did
12 not have a license, but they were working in your
13 salon; is that correct?

14 THE WITNESS: That correct.

15 MS. THOMPSON: Okay. At that point,
16 you were made aware that simply believing what
17 these individuals told you was not a good policy.
18 You were shown that these individuals were not
19 telling you the truth. So between May the 13th and
20 moving over to Document No. 14, which is dated June
21 the 17th, there are a couple of individuals there
22 on the June the 17th inspection that were not there
23 in May. Did you verify their licensure? Or did
24 you just ask them if they had a license at that
25 point?

1 THE WITNESS: I just ask them and
2 they -- they say they try -- they try for look
3 like, they come work with us. They check, make
4 sure we have customer income good or not.

5 MS. THOMPSON: Okay. So you checked
6 on income, but you didn't check on licensure. So
7 you knew there was a problem May the 13th with
8 individuals not telling you the truth. But by June
9 the 17th, you had not changed your policies or
10 procedures in verifying that what these people were
11 telling you was the truth. You had not made any
12 changes in how you hired people or how you allowed
13 them to work in the salon. Can you explain to me
14 why? Why you hadn't made changes or checked
15 further at that point?

16 THE WITNESS: (Inaudible) they
17 couple they married. And they from Georgia. And
18 they not sure they work with us, because they just
19 come for a couple days. They try -- they -- they
20 not sure yet because, you know, sometimes we --

21 MS. THOMPSON: I don't think --
22 that's not what I'm asking.

23 THE WITNESS: Okay. And June 17th,
24 the couple, they gone, because they don't have
25 license.

1 MS. THOMPSON: Uh-huh.

2 THE WITNESS: And, you know, the
3 girl work with us we think we help her work as
4 reception.

5 MS. THOMPSON: You had her there as
6 a receptionist?

7 THE WITNESS: No.

8 MS. THOMPSON: Did she actually do
9 nails?

10 THE WITNESS: No.

11 MS. THOMPSON: She never did nails
12 in the salon.

13 THE WITNESS: Like sometime the
14 customer on -- give for her their hand and tell her
15 what color they like --

16 MS. THOMPSON: But actually my
17 question was: Between May and June, why you didn't
18 -- why you didn't try harder to make sure that what
19 those individuals that were working in the salon
20 were telling you the truth. In May, you got in
21 trouble.

22 THE WITNESS: Yes.

23 MS. THOMPSON: In June, you got in
24 trouble again for the same thing. Why didn't you
25 make some changes between May and June?

1 THE WITNESS: My mistakes.

2 MS. THOMPSON: But can you help me
3 understand why?

4 THE WITNESS: I try. I try looking
5 for people work with us, but too hard for -- for
6 looking for people like licensed or, you know,
7 small town, they -- they don't like -- they like
8 busy -- something like that.

9 MS. THOMPSON: So if someone comes
10 to you now and wants to work with you --

11 THE WITNESS: Right now?

12 MS. THOMPSON: -- what would you do?
13 If they hand you a license, what would you do now?

14 THE WITNESS: Right now?

15 MS. THOMPSON: Uh-huh.

16 THE WITNESS: Right now I -- I --

17 MS. THOMPSON: No, no. Never mind.

18 MS. WEBB: I've got a question.

19 Okay. As you being the manager, now I know that
20 the owner -- did the owner have anything to do -- I
21 guess I'm asking this correct. Does he have
22 anything to do with hiring anyone?

23 THE WITNESS: Not right now. If we
24 open the nail salon again, (inaudible). We check.
25 We don't get it trouble again.

1 MS. WEBB: Thank you.

2 MS. THOMPSON: Any other questions?

3 We're done.

4 MR. SPOON: Okay. I think that
5 concludes the board's questioning. I think now the
6 -- do you have any additional witnesses?

7 MR. BELDING: No.

8 MR. SPOON: Be the time for the
9 board to hear brief summations, just to allow
10 counsel to determine the order.

11 CLOSING STATEMENT

12 BY MR. BELDING:

13 I hope we didn't get off on the wrong foot.
14 I've known Christa a long time. Obviously, the
15 facts in these citations are the facts. You know,
16 I understand that. I think that what I've been
17 trying to point out is merely this, that everything
18 we've really been talking about for the last two
19 hours goes to Mr. Pham's fitness as a manager, and
20 probably as an owner, neither of which he's asking
21 to be allowed to do now. He does not have a salon
22 license. He's not an owner, and I don't know if
23 there is a manager license. They just list him on
24 the application sometimes.

25 I think that it's pretty clear that he had

1 issues managing, for whatever reasons. I mean,
2 y'all asked the questions and tried to find out why
3 this, why that, and it's hard for him to explain
4 what it is exactly he had trouble with, whether
5 it's cultural, whether it's some kind of a, you
6 know, state of mind or the girlfriend. Who knows.
7 I understand, because I had the same conversation
8 with him. I said, you know, you have to verify
9 these people.

10 And really, quite frankly, the LLR website
11 doesn't help you. I mean, if you've got a concern,
12 you're going to have to go down and say "What does
13 this person look like?" because the website just
14 says "Here's a name, here's a date, here's the
15 license number." That might not be good enough
16 verification.

17 What we're asking for today is this: That he
18 be allowed to keep his nail tech license. If the
19 board doesn't want him to be a manager or owner, I
20 understand that. What we're talking about is his
21 livelihood. The only thing he's done since 1994 or
22 '5 -- I thought it said '5 from the website, but
23 whenever it is, the last 18 years -- he obviously
24 is good at that.

25 If the board wants to stipulate that he cannot

1 be an owner or a manager of a shop, I would ask
2 that you consider in mitigation as a reasonable
3 ending to this that he be allowed to remain as a
4 nail tech. And this analogy occurred to me. If he
5 was the -- if he was the manager or owner of a
6 small taxi cab company, and his taxi cab drivers
7 were out there screwing up and maybe even driving
8 without a license, we wouldn't be taking away his
9 driver's license. We'd be saying, "Hey, you can't
10 be a manager or you can't be an owner because we
11 have demonstrated that's not your skill." I think
12 the evidence today has gone to his fitness to be a
13 manager or owner, not necessarily to be a nail
14 tech. And that's why I kept trying to clarify, are
15 we talking about the shop? Are we talking about
16 Mr. Pham?

17 Mr. Pham is a very good nail technician. We
18 would ask that this board allow him to remain a
19 licensed nail technician in this state. If the
20 board wants to put a stipulation down that he is
21 never to be a owner or a manager, I would
22 understand that. I think that's this board's
23 prerogative. I think that's what this board is
24 intended for. Right now, sworn, uncontroverted
25 testimony is, he's working as an employee at a nail

1 shop. Okay? He's asking to be allowed to work at
2 a nail shop. Thank you. I appreciate your
3 attention and your willingness to let us come in
4 today.

5 CLOSING STATEMENT

6 BY MS. BELL:

7 Thank you. And I apologize in a way because I
8 think things did get a little off-track. And just
9 so that it's clear that we did enter into a
10 memorandum of agreement. We don't have the written
11 document, but we have a stipulation by the parties.
12 We have Exhibit No. 1, which I guess is the
13 document.

14 So as far as that is concerned, and from the
15 State's perspective, that's exactly what this case
16 was about. Did the Respondent violate the Practice
17 Act in the various particulars? And I think the
18 evidence is clear to that. He stipulated to it.
19 And he's also indicated to you-all when you've
20 inquired into why he would allow this to go. If
21 you give me the benefit of the doubt, why would you
22 continue to allow this unlicensed practice to
23 occur? And you've gotten a number of different
24 responses. The point being that he did admit to
25 the violations.

1 And I agree with Mr. Belding that it's
2 certainly within you-all's provence to determine.
3 And that's initially why the stipulation I thought
4 was there, it's because, look, he messed up. He
5 admits to these violations. He was the manager.
6 He understands it was his obligation. He knew
7 about these situations. He was put on notice about
8 them. He admits it.

9 And so the question today was not to try to
10 dispute the charges, but to come in and show some
11 indication as to why he should be able to remain
12 able to practice as a nail tech. So I think you've
13 heard the evidence. It's been admitted to. The
14 documents corroborate the Formal Complaint. Mr.
15 Pham's own testimony corroborates that he knew
16 about it. At one point he said it was too hard to
17 look for people that were license. I mean, he gave
18 you plenty of reasons and explanations to go to the
19 finding of the stipulate.

20 And I only say that because I want the record
21 to be very clear that even though we forwent
22 putting up a case to show violations, that it was
23 stipulated too that the violations occurred. My
24 understanding was, he was not contesting those
25 violations, but wanted to put mitigation up as to

1 why he should be able to keep his license.

2 So I would ask you to consider all the
3 evidence, the documents you received, the testimony
4 from Mr. Pham, and the representations made by his
5 attorney. And then you-all in your discretion do
6 what you think is appropriate to protect the
7 public. Thank you.

8 MR. SPOON: Okay. Your case is
9 submitted, and the board may go into a brief
10 deliberative session to consider its decision. But
11 as for this moment, your case is submitted and the
12 hearing is adjourned.

13 MS. BELL: Thank you.

14 MR. BELDING: Thank you.

15 MS. WEBB: I make a motion for
16 executive session.

17 MS. RODGERS: Second.

18 MS. THOMPSON: We have a motion and
19 a second for executive session. Any further
20 discussion?

21 (NO RESPONSE.)

22 MS. THOMPSON: Hearing none, all in
23 favor, signify by saying aye.

24 BOARD MEMBERS: Aye.

25 MS. THOMPSON: Opposed? Motion

1 carries.

2 (Executive Session.)

3 MS. THOMPSON: For the record, there
4 were no motions made or votes taken during
5 executive session. At this time, is there a motion
6 as to the disposition?

7 MR. SPOON: Come out of executive
8 session.

9 MS. THOMPSON: I'm sorry. We didn't
10 do that?

11 MS. WEBB: Uh-uh.

12 MS. THOMPSON: I'm sorry. Do I just
13 make that statement?

14 MR. SPOON: Yeah, just ask for a
15 motion.

16 MS. THOMPSON: Could I have a motion
17 to come out of executive session, please?

18 MS. RODGERS: Make a motion to come
19 out of execution session.

20 MS. NYE: Second.

21 MS. THOMPSON: Motion and a second.
22 Any further discussion?

23 (NO RESPONSE.)

24 MS. THOMPSON: Hearing none, all in
25 favor, signify by saying aye.

1 BOARD MEMBERS: Aye.

2 MS. THOMPSON: Opposed? Motion
3 carries. Again for the record, no motions or votes
4 were taken during executive session. At this time,
5 is there a motion as to the disposition of this
6 application -- or this hearing?

7 MS. CURTIS: Yes, Madam Chair. I
8 would like to make a motion that we revoke the
9 license of Mr. Pham, based on the fact that he has
10 violated the statues, along with regulations.

11 MS. THOMPSON: I have a motion to
12 revoke the license for Mr. Pham. Do I have a
13 second?

14 MS. RODGERS: Second.

15 MS. THOMPSON: A motion and a
16 second. Is there any further discussion?

17 (NO RESPONSE.)

18 MS. THOMPSON: Hearing none, all in
19 favor, signify by saying aye.

20 BOARD MEMBERS: Aye.

21 MS. THOMPSON: Opposed? The motion
22 carries. The decision that we've announced today
23 expresses only the basic elements of the ruling in
24 this case. Counsel or staff for the board will
25 prepare a document which more fully expresses the

1 conclusions in the appropriate language and format
2 in which the board has traditionally used. And
3 then the final written decision must be approved
4 and signed by the chairman of the board and will be
5 the final order in this matter. Thank you.

6 MR. SPOON: And just as a procedural
7 matter, we will need the MOA executed if you could.
8 Unless there's an objection, I would like to have a
9 copy of that from which to write the order. The
10 actual MOA.

11 MS. BELL: Okay.

12 MR. BELDING: I thought we
13 stipulated it was just a verbal agreement.

14 MS. BELL: Or the Formal Complaint,
15 we both signed off on and agreed to all the terms
16 and conditions on that document itself, since that
17 was the basis of --

18 MR. SPOON: Right. And I understand
19 that. Unless it would be just a great
20 inconvenience to the parties, I think it would
21 assist -- it would assist me, and I think it would
22 be more procedurally appropriate to have in the
23 record a signed copy of an MOA.

24 MS. BELL: I don't have an objection
25 to that. I'm assuming Mr. Belding --

1 MR. SPOON: What happens with the
2 MOA, just for information, nothing more happens
3 with the MOA other than it becomes part of the
4 record and also it's part of the document -- one of
5 the documents from which the order is generated,
6 because I have to write an order, so --

7 MR. BELDING: I understand it could
8 be apart of the record on appeal. Then you're
9 talking about putting it in evidence after the
10 hearing. So how about this. How about I know
11 Christa will be happy to send me a proposed draft.
12 If it's acceptable, I'll sign it and give it back
13 to you.

14 MR. SPOON: Okay. And so you'll
15 know, just for information, the MOA will probably,
16 and I think I'm right about this, will be basically
17 a recitation of the allegations in the Formal
18 Complaint, with verbiage in there -- obviously, the
19 caption changes a little bit, calls it an MOA. And
20 it says that the Respondent admits the allegations
21 and the violations. So it doesn't differ
22 dramatically from Formal Complaint.

23 MR. BELDING: I understand. It's
24 just evidence after the hearing that wasn't
25 considered by the board, but that's fine.

1 MR. SPOON: Okay. I thought there
2 was a statement to the affect that you hadn't had a
3 chance to write the MOA because it had been agreed
4 upon shortly prior to the hearing. So I just would
5 like to have that.

6 MS. BELL: In lieu of that, if that
7 doesn't happen, do you want us to go ahead today,
8 the Formal Complaint, which was the charging
9 document, was stipulated to. And, I mean, it's on
10 the record that the parties agreed and admitted and
11 waived certain rights. Do you want us to sign off
12 on that? Or would the record itself stand?

13 MR. SPOON: I think I'm just asking
14 for an MOA.

15 MS. BELL: Okay.

16 MR. SPOON: And it could be dated
17 today. I mean, it was entered into by consent
18 today.

19 MR. BELDING: And I wouldn't have a
20 problem signing it nunc pro tunc because as long as
21 it's not -- you know.

22 MS. BELL: Okay. Okay. That's the
23 only, -- I don't have a problem with it, so --

24 MR. SPOON: That's it.

25 MS. THOMPSON: That's it.

1 MR. SPOON: Hearing's adjourned.

2 MS. BELL: Thank you.

3 *****

4 MS. ROGERS: Okay.

5 MR. SPOON: Yes.

6 MS. ROGERS: We have one other
7 matter I'd like to take up while Mr. Belding is
8 here.

9 MR. SPOON: Okay. I've raised that.
10 I've made your request known to the board. Just
11 going to leave it up to them.

12 MS. ROGERS: Okay.

13 (Off-the-record discussion.)

14 MS. THOMPSON: Ms. Rogers, the board
15 has a copy of this letter written by Mr. Belding.
16 We are fine with just receiving this letter. We
17 don't need to hear anything else. We have this and
18 it is fine.

19 MS. ROGERS: You understand --

20 MS. THOMPSON: We do.

21 MS. ROGERS: -- right?

22 MS. THOMPSON: It is perfectly fine.
23 We can move forward. Thank you.

24 COURT REPORTER: What's your name?

25 MS. ROGERS: Lynn Rogers.

1 MS. THOMPSON: That was it. I guess
2 we just needed it on the record that the board had
3 received the letter. We were fine, do not need any
4 further explanation about it.

5 COURT REPORTER: We don't need a
6 motion on that or nothing?

7 MR. SPOON: No.

8 *****

9 MS. RODGERS: Madam Chairman, can I
10 make a motion that we break for about 20 minutes
11 for lunch?

12 MS. THOMPSON: You can make whatever
13 motion you'd like. Have a motion --

14 MS. WEBB: Second.

15 MS. THOMPSON: -- and a second to
16 take a lunch break. Any other discussion?

17 (NO RESPONSE.)

18 MS. THOMPSON: Hearing none, all in
19 favor, signify by saying aye.

20 BOARD MEMBERS: Aye.

21 MS. THOMPSON: Opposed? Motion
22 carries. We will reconvene at 2:20.

23 (Lunch break.)

24 MS. THOMPSON: Call this meeting
25 back to order. At this time, we have a little bit

1 of a deviation. I'd like to ask for a motion to
2 reconsider Galina Lipchak. Is there a board member
3 willing to make that motion to reconsider?

4 MS. RODGERS: We'll reconsider.
5 I'll make the motion.

6 MS. THOMPSON: I have a motion. I
7 need a second.

8 MS. NYE: Second.

9 MS. THOMPSON: Motion and a second.
10 Any further discussion?

11 (NO RESPONSE.)

12 MS. THOMPSON: Hearing none, all in
13 favor, signify by saying aye.

14 BOARD MEMBERS: Aye.

15 MS. THOMPSON: Opposed? Motion
16 carries. Now, Ms. Webb at this point.

17 MS. WEBB: Madam Chair, I make a
18 motion to withdraw my previous motion with Ms.
19 Lipchak.

20 MS. THOMPSON: So just for
21 clarification, you're making a motion to withdraw
22 your previous motion, which was to deny due to --

23 MS. WEBB: Right.

24 MS. THOMPSON: -- applicant being
25 absent.

1 MS. WEBB: Applicant being absent.

2 MS. THOMPSON: So I have a motion to
3 withdraw the previous motion of denial. Do I have
4 a second?

5 MS. RODGERS: Second.

6 MS. THOMPSON: Motion and a second.
7 Any further discussion?

8 (NO RESPONSE.)

9 MS. THOMPSON: Hearing none, all in
10 favor, signify by saying aye.

11 BOARD MEMBERS: Aye.

12 MS. THOMPSON: Opposed? Motion
13 carries. Ma'am, have you presented your
14 identification to our court reporter?

15 COURT REPORTER: Not yet. I
16 need to see your driver's -- we've got a North
17 Carolina driver's license. Thank you so much.

18 MS. THOMPSON: And, ma'am, could you
19 state your name for the record?

20 THE WITNESS: Galina Lipchak.

21 MS. THOMPSON: All right. And then
22 would you raise your right hand and be sworn in by
23 our court reporter?

24 (The witness is sworn in.)

25 MS. THOMPSON: This hearing is

1 called to order. This is the matter of Galina
2 Lipchak. The purpose of this hearing is to
3 determine whether the applicant should be granted a
4 license. Everyone is reminded that these
5 proceedings are being recorded and that all
6 witnesses must be sworn before they testify. All
7 remarks should be directed to the chairman.

8 Mr. Ray, is the complete application package
9 in our material?

10 MR. RAY: Yes, ma'am.

11 MS. THOMPSON: And what question did
12 staff have concerning this application?

13 MR. RAY: Concerning the out-of-
14 country school, which was translated, but not on
15 the training affidavit form.

16 MS. THOMPSON: Okay. And did staff
17 subpoena anyone else to be here today?

18 MR. RAY: No, ma'am.

19 MS. THOMPSON: And the applicant is
20 present. Ms. Lipchak, did you bring a lawyer with
21 you today?

22 THE WITNESS: No.

23 MS. THOMPSON: But you realize you
24 could have one if you wanted one?

25 THE WITNESS: Yeah.

1 MS. THOMPSON: And you choose not to
2 have one?

3 THE WITNESS: Yes.

4 MS. THOMPSON: Great. And we can
5 proceed.

6 DIRECT EXAMINATION OF GALINA LIPCHAK

7 BY MS. THOMPSON:

8 Q. It appears that you are applying for
9 licensure for cosmetology.

10 A. Yes.

11 Q. You currently live in what state?

12 A. North Carolina.

13 Q. And how long have you lived in North
14 Carolina?

15 A. Since May 2011.

16 Q. May 2011? If you could, just speak up.
17 We have a hard time --

18 A. Okay.

19 Q. -- hearing up here. And you completed
20 your cosmetology training in Russia?

21 A. (Inaudible) Republic. Kurdistan.

22 Q. Okay. And you completed that training
23 when?

24 A. From October 2007 until June of 2009.

25 Q. And you received how many hours of

1 **training?**

2 **A. One thousand, seven hundred ninety hours.**

3 **Q. Okay. Are you currently licensed in the**
4 **United States anywhere else?**

5 **A. No.**

6 **Q. No. And you were licensed --**

7 **A. Cosmetologist back in Kurdistan.**

8 MS. THOMPSON: Mr. Ray, just to make
9 sure I'm clear, the question from staff is
10 regarding the fact that the transcript was not on a
11 previously recognized or approved form from the
12 board? Is that --

13 MR. RAY: It seems to be only the
14 document of foreign language that was not
15 translated over.

16 MS. THOMPSON: I'm sorry. I
17 couldn't hear you.

18 THE WITNESS: That wasn't
19 translated?

20 MR. RAY: Correct. That's my
21 understanding.

22 MS. THOMPSON: Okay. I'm not
23 following you. I thought that you said originally
24 it was not on a prescribed transcript form, but now
25 you're saying something about a translation.

1 MS. TAYLOR: We have the translation
2 form in there in the application packet. And on
3 the --

4 MR. GRIGG: Matteah.

5 MS. TAYLOR: Yes.

6 MR. GRIGG: Is this what you're
7 talking about? Up in the upper left-hand corner --

8 MS. TAYLOR: Official translations?

9 MR. GRIGG: And it says
10 "certificate" in the top center?

11 MS. TAYLOR: Yes. And it has hours
12 on there.

13 MS. THOMPSON: Okay. So I guess
14 that's my question. The problem or the cause for
15 concern was that this was on the translation
16 company's piece of paper, rather than our training
17 affidavit --

18 MS. TAYLOR: Right.

19 MS. THOMPSON: -- breakdown.

20 MS. TAYLOR: Right.

21 MS. THOMPSON: Okay. I just wanted
22 to be certain that I understood the question.

23 MR. RAY: Sorry, Madam Chair.

24 MS. THOMPSON: And this is just a
25 learning process for me as well. A translation

1 company is not going to ever be able to just
2 regurgitate our document. So is that -- if you
3 would just give us one second.

4 MS. LIPCHAK: Sure.

5 MS. THOMPSON: We're trying to
6 figure out exactly what to do to make this simple
7 for you and everyone else in the future. The
8 Education Credential Evaluator, that's one of the
9 approved translation companies, correct?

10 MS. TAYLOR: Uh-huh.

11 MS. THOMPSON: Okay. And to the
12 best of our ability, we've been able to verify the
13 training per these translation documents, right?

14 MS. TAYLOR: Correct.

15 MS. THOMPSON: And so am I
16 understanding, and I don't mean to sound repetitive
17 or condescending at all, am I understanding that
18 because it's not on the -- it's not in the format
19 that we provide for people within South Carolina,
20 that that is the only question.

21 MS. TAYLOR: No, that's not
22 necessarily true.

23 MS. THOMPSON: Okay. Could you help
24 me figure that out?

25 MS. TAYLOR: The reason why I

1 presented this to the board is because normally any
2 out of country licensee always came before the
3 board to be approved. And because she was one that
4 took her education out of country, I thought she
5 too was supposed to come before the board to be
6 approved.

7 MS. THOMPSON: And I completely
8 understand and verify and backup exactly what you
9 thought the process was. I'm just trying to make
10 sure that I'm understanding that we're not missing
11 any particular parts or that we haven't asked for
12 information that we've not been provided. We've
13 done everything as far as we can, staff's ability
14 and obviously what the board's able to do right
15 now, to verify that all of that is correct, as far
16 as we can. And now it's a matter of whether the
17 board will accept this and then require to sit for
18 a national exam.

19 MS. TAYLOR: She's already sat for
20 the exam.

21 MS. THOMPSON: She's taken the exam.

22 MS. TAYLOR: Her and her husband
23 both assured me that they would send this
24 information, and they did. This is the information
25 that Dean spoke about. And they did, the

1 translation of the hours, the translation of hours.

2 MR. GRIGG: Say that one more time.

3 You're talking about the translation document --

4 MS. TAYLOR: Yes.

5 MR. GRIGG: -- I just held up?

6 MS. TAYLOR: Yes.

7 MR. GRIGG: Okay. Yeah, all I did

8 was hold this up and --

9 MS. TAYLOR: Right.

10 MR. GRIGG: -- asked her if this was

11 the right form.

12 MS. TAYLOR: Her and her husband
13 assured me that they would send it, and they did.

14 But again, she's come before the board for
15 approval.

16 MS. THOMPSON: Out-of-state
17 credentials for her training.

18 MS. TAYLOR: Right.

19 MS. THOMPSON: Okay. Got you. I'm
20 on the same page now. And just to make sure -- I
21 apologize. There's so much paper up here, I feel
22 like I've flipped all day long. And I may be
23 looking at it, but you said she has sat for the NIC
24 exam in this process of trying to get approved and
25 has passed written and theory?

1 MS. TAYLOR: Yes.

2 MS. THOMPSON: I'm sorry. Theory
3 and practical.

4 MS. TAYLOR: Yes.

5 MS. THOMPSON: I don't think -- we
6 don't have that?

7 MS. RODGERS: No, we don't have
8 that.

9 MS. TAYLOR: And you may not have it
10 because PCS at one point stopped sending us that
11 sheet. But she did sit for the exam.

12 MS. THOMPSON: Okay. And you have
13 verified that, and we can feel confident in the
14 fact that the information, that that's correct and
15 we have no reason --

16 MS. TAYLOR: Right.

17 MS. THOMPSON: -- to be concerned
18 about it. Okay. So at this point, it's just a
19 matter of the board reading the translation, our
20 cosmetology member verifying whether or not this
21 translation looks as if the curriculum matches up
22 with what we require and whether or not you will
23 accept that.

24 (Off-the-record discussion.)

25 **Q. Ms. Lipchak, the conversation happening**

1 over here, there are things that you were trained
2 to do in your country that are not allowed in South
3 Carolina under the license of a cosmetologist.
4 There is a scope of practice which tells you what
5 you are allowed to do with your particular license.
6 So there were some questions --

7 MS. THOMPSON: Ladies, what are you
8 specifically looking at? Is it laser? Or what is
9 it?

10 MS. WEBB: Chemical peels.

11 Q. Chemical peels. Your license won't allow
12 you to do that within the scope of practice of
13 South Carolina, okay? So that's what the
14 conversation is going on up here. And I just
15 wanted you to know what that was.

16 A. Thank you.

17 MR. GRIGG: So I think the point is
18 to make yourself really familiar, assuming you get
19 this license, with what the rules and the statute
20 says.

21 Q. Familiarize yourself with what you are
22 allowed to do --

23 A. Uh-huh.

24 Q. -- per the scope of practice for your
25 license.

1 MS. THOMPSON: Are there any other
2 questions? Do any board members have any questions
3 for Ms. Lipchak?

4 Q. Is there anything that you would like to
5 say to the board?

6 A. Well, actually, I would like to say that,
7 you were talking about the translation. The
8 translation was done by one of the companies that
9 you guys require.

10 Q. Yes.

11 MS. RODGERS: We do have it.

12 A. So it was done poorly from the beginning,
13 but then I had to redo it and I got it back. It's
14 still not perfect, but they got it right this time,
15 at least 99 percent of it, so --

16 Q. That's good.

17 MS. WEBB: Good.

18 MS. THOMPSON: Anything else? Any
19 other board members have anything that they need to
20 ask? Is anyone prepared to make a motion at this
21 time?

22 MS. RODGERS: Make a motion to
23 approve.

24 MS. THOMPSON: I have a motion to
25 approve. Do I have a second?

1 MS. NYE: Second.

2 MS. THOMPSON: I have a motion and a
3 second. Is there any further discussion?

4 (NO RESPONSE.)

5 MS. THOMPSON: Hearing none, all in
6 favor, signify by saying aye.

7 BOARD MEMBERS: Aye.

8 MS. THOMPSON: Opposed? The motion
9 carries. You've been approved for licensure.

10 THE WITNESS: Thank you.

11 MS. THOMPSON: You're welcome.
12 You'll be receiving your license in the mail.

13 THE WITNESS: Thank you.

14 MS. THOMPSON: Thank you.

15 *****

16 MS. THOMPSON: Now I think we are
17 moving onto vii, which will be No. 7, I think,
18 Ciel, on the agenda, which is Le Thi Tran. Ma'am,
19 I need you to present your I.D. to Ciel, please.

20 (The witness is sworn in.)

21 (Off-the-record discussion.)

22 MS. THOMPSON: This hearing is
23 called to order. This is the matter of Le Thi
24 Tran. The purpose of this hearing is to determine
25 whether the applicant should be granted a license

1 as a nail technician. Everyone is reminded that
2 these proceedings are being recorded and that all
3 witnesses must be sworn before they testify. All
4 remarks should be directed to the chairman.

5 Mr. Ray, is the complete application packet in
6 our materials?

7 MR. RAY: Yes, ma'am.

8 MS. THOMPSON: And what questions
9 did staff have concerning this application?

10 MR. RAY: Question about the out-of-
11 state school and high school education.

12 MS. THOMPSON: And did staff
13 subpoena any other anyone to be here today?

14 MR. RAY: No, ma'am.

15 MS. THOMPSON: And the applicant's
16 present. Ms. Tran, did you bring anyone with you
17 today to speak on your behalf?

18 THE WITNESS: No, ma'am.

19 MS. THOMPSON: Did you bring a
20 lawyer with you?

21 THE WITNESS: No, ma'am.

22 MS. THOMPSON: You know you could
23 have a lawyer if you wanted one?

24 THE WITNESS: I don't need one.

25 MS. THOMPSON: Okay.

1 DIRECT EXAMINATION OF LE THI TRAN

2 BY MS. THOMPSON:

3 Q. So we have your application here for
4 licensure. Are you currently licensed in any other
5 state?

6 A. Yes, ma'am.

7 Q. You do have a license in another state?

8 A. Yes, ma'am.

9 Q. What state?

10 A. Florida.

11 Q. When did you receive that license?

12 A. On -- in 2010.

13 Q. 2010?

14 A. Yes, ma'am.

15 MS. THOMPSON: Do you have a copy of
16 that?

17 MS. TAYLOR: No.

18 Q. Do you have your license with you?

19 A. Yes, ma'am.

20 Q. Could we see that, please? Would you
21 hand it to Mr. Ray?

22 (The witness complies.)

23 MS. THOMPSON: For the record we do
24 have a copy of a license from the State of Florida.
25 It says the manicuring/pedicuring, nail extension

1 specialist that expires October 31st of 2013. And
2 I'll go ahead and pass this around to the other
3 board members. Mr. Ray, we're going to need a copy
4 of this.

5 MR. RAY: Yes, ma'am.

6 Q. So, Ms. Tran, tell me, when were you in
7 school in Florida?

8 A. I went to school in Florida from --

9 Q. I'm going to have to have you speak up;
10 I'm sorry. They're shuffling papers and you have
11 such a soft voice.

12 A. I went to school in Florida from April
13 14th to June 8th of 2010.

14 Q. So April to August; is that what you
15 said?

16 A. No. April to June.

17 Q. April to June.

18 A. Yes, ma'am.

19 Q. April, you said the 14th?

20 A. Yes, ma'am.

21 Q. 2010. To June what?

22 A. June 8th. 8th.

23 Q. June 8th.

24 A. Yes, ma'am.

25 Q. And you're positive about that?

1 A. Yes, ma'am.

2 Q. And how many hours of training did you
3 receive?

4 A. Three hundred fifty hours.

5 Q. And the name of your school?

6 A. Academy of Health and Beauty.

7 Q. And can you tell me, your school, was it
8 in a separate building just located by itself? Or
9 were there lots of buildings connected together?

10 A. There a lot of building connected
11 together. Connected to Tip Top Nails.

12 Q. I'm sorry?

13 A. It's connected to Tip Top Nails and --

14 Q. Connected to Tip Top Nails.

15 A. Yes. And another one was Pro Nail and
16 Skin Care Academy.

17 Q. Pro Nail and Skin Care Academy.

18 A. Yes, ma'am. And beside, it has like the
19 Mexican food.

20 Q. Mexican food?

21 A. Yes.

22 Q. Okay. And so, Ms. Tran, where do you
23 currently live?

24 A. Columbia.

25 Q. You live in Columbia.

1 A. Yes, ma'am.

2 Q. When did you move to Columbia?

3 A. Right after I graduated nail school, like
4 June 10 of 2010.

5 Q. Okay. So you graduated nail school.

6 A. Yes, ma'am.

7 Q. You moved to Columbia. Then did you go
8 back to Florida to take your test for licensure?

9 A. No. I -- I took a test on -- I took a
10 test on -- right after I finish study.

11 Q. So you went to school, then you took your
12 test, and then you moved to Columbia.

13 A. Yes, ma'am.

14 Q. When did you -- when did you decide you
15 were going to be moving from Florida to South
16 Carolina?

17 A. Because like I was there to study, not
18 like --

19 Q. I'm sorry. You were there to study?

20 A. I was there for studying, not living -- I
21 -- I didn't -- I knew I would like move back to
22 here after I finished my study.

23 Q. So while you were enrolled in school in
24 Florida, you still maintained your South Carolina
25 residency?

1 A. Yes.

2 Q. Why did you choose to go to a school in
3 Florida?

4 A. Because my teacher -- my friend told me
5 that the -- the teacher, he's --

6 MS. WEBB: Can you talk up just a
7 little bit?

8 THE WITNESS: Yes, ma'am.

9 MS. WEBB: Thank you.

10 A. Because my -- my friend told me that the
11 teacher, that he's Vietnamese/American, so he -- he
12 could speak Vietnamese and English, so that way I
13 chose to go there to study because my English not
14 good.

15 Q. I think you're doing a great job with
16 your English. Did you check to see if there were
17 any schools in South Carolina that had a
18 Vietnamese/American instructor before you went to
19 Florida? Or did you just --

20 A. No. Because my -- my -- my uncle, my
21 uncle knew about that school, so he -- he -- he
22 told me to go there. I didn't check any school
23 here because I -- at that time, I came to United
24 State not for a long time, so --

25 Q. Okay. Can you tell me your instructor's

1 name?

2 A. Dung Thanh Hoang.

3 Q. I may need you to spell that for me.

4 A. D-U-N-G.

5 Q. D-U-N-G, okay.

6 A. T-H-A-N-H. T-H-A-N-H.

7 Q. T-H-A-N-H, okay. And is that two people?

8 Or one person?

9 A. One person.

10 Q. So his last name is T-H-A-N-H?

11 A. No. That a middle name. Last name is H-
12 O-A-N-G.

13 Q. Okay. So three names there. First name
14 D-U-N-G; is that correct?

15 A. D-U-N-G, yes, ma'am.

16 Q. Middle name T-H-A-N-H.

17 A. Yes, ma'am.

18 Q. Last name H-O-A-N-G.

19 A. Yes, ma'am.

20 Q. Great. Thank you. And that's your
21 instructor -- or that was your instructor.

22 A. Yes.

23 Q. How many people were enrolled in school
24 with you?

25 A. It depends. At time like there were five

1 people, and sometime like ten or fifteen people.

2 Q. Did you go every day to school?

3 A. Yes, ma'am.

4 Q. You went on Mondays?

5 A. Monday to Friday.

6 Q. Monday through Friday?

7 A. Yes, ma'am.

8 Q. Okay. How many hours were you required
9 to be at school each day?

10 A. I went to school from 9:30 a.m. to 7 p.m.

11 Q. That's a long day. Did you have a lunch
12 break?

13 A. Yes, ma'am, 30 minutes.

14 Q. Thirty minutes. So you went 9:30 to 7
15 p.m. Monday through Friday with only a 30 minute
16 lunch. Did you take any other breaks?

17 A. No, ma'am. Like in the morning, we -- we
18 were studying theory, and then the afternoon
19 practical parts.

20 Q. Were you just practicing on each other?
21 Or did you actually have people come in?

22 A. Sometimes we have people come in. We --
23 we do on the peoples, yes, ma'am. And -- yeah.

24 Q. And now you completed -- have you ever
25 worked in Florida? You said that you moved, you

1 came back to Columbia after you tested. You were
2 granted a Florida license, but did you ever work in
3 a salon in Florida?

4 A. No, not -- not -- not in --

5 Q. No, have you ever. Not necessarily in
6 that year, but have you ever worked in Florida?

7 A. Yes, ma'am.

8 Q. When?

9 A. From January to June 2011.

10 Q. I need you to help me understand how it
11 is that you say that you came back to Columbia as
12 soon as you finished school in June --

13 A. And then I --

14 Q. Hold on; let me finish. -- in June of
15 2010, but then you went back to Florida in January
16 of 2011 and you worked. Why are you going back and
17 forth so often?

18 A. Because I couldn't -- I apply for -- at
19 that time, I apply for the nail technician, but
20 they took so long. So I need -- I needed a job, so
21 I went there.

22 Q. So do you have a job lined up now in
23 South Carolina?

24 A. No, ma'am.

25 Q. No. So it can be kind of expensive to

1 maintain licensure in multiple states. Do you plan
2 on going back and forth frequently? Or are you
3 going to get licensed in South Carolina and let
4 your Florida license expire? Or what is your plan?

5 A. As long as I don't have a license here, I
6 need a license there.

7 Q. I'm sorry; I didn't understand.

8 A. As long as I don't have a license here, I
9 need the -- the license in Florida to be active.

10 Q. Right. I understand that, and I can
11 appreciate that. But if you were to get a license
12 in South Carolina, what will happen to your Florida
13 license? Will you let that license expire? Or
14 will you still continue to maintain it?

15 A. I let that license expire.

16 Q. You will let that license expire. So you
17 plan on working just in South Carolina if you were
18 to be granted a South Carolina license.

19 A. Yes, ma'am.

20 Q. Have you ever heard of QH Beauty School?

21 A. No, ma'am.

22 Q. You have not.

23 A. Yes. I have not.

24 Q. You haven't heard of it, you've never
25 seen a sign for it, you've never seen the building,

1 you know nothing of QH Beauty School.

2 A. No, ma'am. I haven't heard of it.

3 Q. Okay. Your instructor, Mr. Dung Hoang --

4 A. Dung Thanh Hoang.

5 Q. Yes. Did you see him every day when you
6 were in school?

7 A. Yes, ma'am.

8 Q. Every day, the whole time you were there?

9 A. Yes, ma'am.

10 Q. Was he there all day, the entire time you
11 were there?

12 A. Yes. Because the school has three rooms.

13 Q. Has what?

14 A. Three rooms, like three --

15 Q. Three rooms?

16 A. Yeah. So like facial and nails and hair.

17 Q. Right.

18 A. So two -- two of other rooms like -- I
19 don't know the -- I don't know the name of the
20 teacher, but this one teacher.

21 Q. Right. But your teacher, this Mr. Hoang,
22 you saw him every day --

23 A. Yes, ma'am.

24 Q. -- that you were there, and he was in the
25 building somewhere all day long.

1 **A. Yes, ma'am.**

2 **Q. Right. So I'm just trying to figure out**
3 **how he could -- if he could be in two places at one**
4 **time, but it's sounding as if not, if you saw him**
5 **every day.**

6 MS. THOMPSON: Are there any other
7 questions?

8 MS. WEBB: Tell me some things that
9 you -- tell me some things that you learned in
10 general, becoming a nail tech. What did you learn?

11 THE WITNESS: I learn like
12 sanitation and safe --

13 MS. WEBB: I can't hear you.

14 THE WITNESS: Sanitation and safety
15 measures, bacterial -- I mean, biological and
16 physiological. And then manicuring and pedicuring.
17 Like nail structure, the shape of nail, and the
18 nerve and the bonds. Bonds. Bonds.

19 MS. WEBB: Bonds?

20 THE WITNESS: Yes, ma'am.

21 MS. WEBB: Bond?

22 THE WITNESS: Yes, ma'am.

23 MS. WEBB: And you lived in Florida
24 for how long?

25 THE WITNESS: For almost -- like two

1 months, over two months.

2 MS. WEBB: Over two months.

3 (Off-the-record discussion.)

4 MS. THOMPSON: Are there any other
5 questions? Is anyone prepared to make a motion?
6 We need to have a motion or some questions.

7 (Off-the-record discussion.)

8 MS. WEBB: Madam Chair, I make a
9 motion to deny.

10 MS. THOMPSON: I have a motion to
11 deny. Do I have a second?

12 MS. CURTIS: I second it.

13 MS. THOMPSON: I have a motion and a
14 second to deny. Is there any further discussion?

15 (NO RESPONSE.)

16 MS. THOMPSON: Hearing none, all in
17 favor, signify by saying aye.

18 BOARD MEMBERS: Aye.

19 MS. THOMPSON: Opposed? The motion
20 carries. Ms. Tran, the board has voted to deny
21 your application for licensure. You will receive a
22 document that more fully expresses the conclusions
23 in the appropriate language and format that the
24 board has traditionally used. The final written
25 decision will be approved by the chair and then it

1 will become the final order in this matter. Okay.
2 You'll receive something in the mail explaining the
3 board's decision.

4 *****

5 MS. THOMPSON: Next on the agenda,
6 last name D-A-O.

7 (The witness is sworn in.)

8 MS. THOMPSON: This hearing is
9 called to order. This is the matter of Suong, S-U-
10 O-N-G, T. Dao, D-A-O. The purpose of this hearing
11 is to determine whether the applicant should be
12 granted a license as a nail technician. Everyone
13 is reminded that these proceedings are being
14 recorded and that all witnesses must be sworn
15 before they testify. All remarks should be
16 directed to the chairman.

17 Mr. Ray, is the complete application packet in
18 our material?

19 MR. RAY: Yes, ma'am.

20 MS. THOMPSON: And what questions
21 did staff have concerning this application?

22 MR. RAY: Questions regarding the
23 out-of-state school attended.

24 MS. THOMPSON: Did staff subpoena
25 any other persons to be here today?

1 MR. RAY: No, ma'am.

2 MS. THOMPSON: And the applicant is
3 present. Ms. Dao?

4 THE WITNESS: Yes, ma'am.

5 MS. THOMPSON: Do you have anyone
6 else with you today?

7 THE WITNESS: No, ma'am.

8 MS. THOMPSON: Do you have a lawyer
9 with you?

10 THE WITNESS: No, ma'am.

11 MS. THOMPSON: Would you like a
12 lawyer?

13 THE WITNESS: No, ma'am.

14 DIRECT EXAMINATION OF SUONG T. DAO

15 BY MS. THOMPSON:

16 Q. We have your application for a nail
17 technician's license. Where did you go to nail
18 tech school?

19 A. In Florida, Orlando.

20 Q. And what was the name of your school?

21 A. Pro Nails, Beauty -- Beauty -- Beauty
22 School.

23 Q. Beauty school? Pro Nails --

24 A. Beauty School.

25 Q. Okay. Pro Nails Beauty School

1 A. Yes.

2 Q. And when were you enrolled in school
3 there?

4 A. December 12, 2010.

5 Q. And when did you graduate?

6 A. March 3rd, 2011.

7 Q. And how many hours did you get?

8 A. Three hundred twenty-five.

9 Q. Were you licensed in Florida?

10 A. I don't have license in Florida. I just
11 have hours. I went to school over there and I have
12 hour.

13 Q. Okay.

14 A. Yes, ma'am.

15 Q. Where were you living when you went to
16 school in Florida?

17 A. I living with my friend in Florida in
18 Orlando.

19 Q. Where do you currently live?

20 A. In Florida.

21 Q. You live in Florida now?

22 A. No, no, no. My current I live in North
23 Augusta right now.

24 Q. Augusta?

25 A. North Augusta.

1 Q. North Augusta.

2 A. Yes, ma'am.

3 Q. Do you have a license in any other state?

4 A. No, ma'am.

5 Q. No. And so have you -- you completed
6 your schooling in March of 2011?

7 A. Yes, ma'am.

8 Q. Is that what you said? Okay. And it's
9 now March of 2012. Why the delay in seeking
10 licensure?

11 A. I don't understand that question.

12 Q. Why did you wait a year to try and get
13 your license?

14 A. Oh, no. I'm -- I applied my license in
15 October and I -- I took the test. And now they --
16 I waiting and I keep calling to the state board and
17 they telling me I have to wait for meeting right
18 now today.

19 Q. Right. Okay. So you started trying to
20 get your license in October.

21 A. Yes, ma'am.

22 Q. But then you had to take a test.

23 A. Yes, ma'am.

24 Q. Did you take a theory test and a
25 practical?

1 **A. Yes, ma'am.**

2 **Q. You did. In South Carolina.**

3 **A. Yes, ma'am.**

4 **Q. And did you pass both of them?**

5 **A. Yes, ma'am.**

6 MS. CURTIS: Madam Chair, I make a
7 motion to deny this applicant. I'm looking at a
8 training affidavit that has no hours listed on it.
9 It's signed; it's notarized. I'm also looking at a
10 transcript from Nail Technology. There's nothing
11 on there as far as hours or exams or anything, and
12 it's signed as well, and there's nothing indicated
13 on it.

14 MS. THOMPSON: Okay. I have a
15 motion to deny the application, with multiple
16 reasons.

17 MS. RODGERS: Second.

18 MS. THOMPSON: I have a motion and a
19 second. Is there any further discussion?

20 (NO RESPONSE.)

21 MS. THOMPSON: Hearing none, all in
22 favor, signify by saying aye.

23 BOARD MEMBERS: Aye.

24 MS. THOMPSON: Opposed? The motion
25 carries. Ms. Dao, your application for licensure

1 has been denied. You will receive a written
2 notification in the mail explaining the decision of
3 the board. Okay? Thank you.

4 *****

5 MS. THOMPSON: Next on the agenda,
6 Loc Huu Nguyen, L-O-C H-U-U N-G-U-Y-E-N.

7 (The witness is sworn in.)

8 MS. THOMPSON: This hearing is
9 called to order. This is the matter of Loc Huu
10 Nguyen. The purpose of this hearing is to
11 determine whether the applicant should be granted a
12 license as a nail technician. Everyone is reminded
13 that these proceedings are being recorded and that
14 all witnesses must be sworn before they testify.
15 All remarks should be directed to the chairman.

16 Mr. Ray, is the complete application packet in
17 our materials?

18 MR. RAY: Yes, ma'am.

19 MS. THOMPSON: What question did
20 staff have concerning this application?

21 MR. RAY: Questions about the out-
22 of-state school.

23 MS. THOMPSON: Did staff subpoena
24 anyone to be here today?

25 MR. RAY: No, ma'am.

1 MS. THOMPSON: And the applicant is
2 present. Mr. Nguyen, do you have anyone else with
3 you today?

4 THE WITNESS: No, ma'am.

5 MS. THOMPSON: Do you have a lawyer
6 with you today?

7 THE WITNESS: No, ma'am.

8 MS. THOMPSON: Would you like a
9 lawyer?

10 THE WITNESS: No, ma'am. I'm good.

11 MS. THOMPSON: Okay.

12 DIRECT EXAMINATION OF LOC HUU NGUYEN

13 BY MS. THOMPSON:

14 Q. And you are applying for licensure to be
15 a nail tech in South Carolina.

16 A. Yes, ma'am.

17 Q. Are you currently licensed in any other
18 state?

19 A. No, ma'am.

20 Q. Where did you go to school?

21 A. Atlanta Beauty Academy school.

22 Q. Okay. Atlanta Beauty Academy?

23 A. Yes, ma'am.

24 Q. And where is that school located?

25 A. It's on Buford Highway.

1 Q. What city and state?

2 A. It's Georgia, Atlanta, Georgia.

3 Q. I kind of thought that, but I just wanted
4 to be sure. And how many hours did you complete?

5 A. Five hundred and twenty-five.

6 Q. Five hundred and twenty-five actual clock
7 hours?

8 A. Yes, ma'am.

9 Q. You actually clocked in and you were --
10 okay. How long did it take you to complete that
11 many hours?

12 A. About four month.

13 Q. When did you enroll in school?

14 A. May 2nd, '09 until August 31st, '09.

15 Q. How often did you go to school? How many
16 days a week?

17 A. Five day.

18 Q. Five days?

19 A. Monday through Friday.

20 Q. How many hours a day did you go?

21 A. About eight hour.

22 Q. About eight hours?

23 A. Yes, ma'am.

24 Q. So that would give you approximately 40
25 hours a week?

1 A. Yes, ma'am.

2 Q. In order to complete that many hours in
3 the time frame you've said, you'd have to go 44
4 hours a week.

5 A. I start like nine in the morning until
6 six o'clock from Monday to Friday.

7 Q. Did you take a break for lunch?

8 A. One hour, ma'am.

9 Q. Did you ever go in on any Saturdays?

10 A. No, ma'am. But sometime they -- she --
11 she tell us to be there on Saturday to do -- to do
12 the practical.

13 MS. THOMPSON: Could I ask that you
14 be quiet in the back of the room, please. Thank
15 you.

16 MS. NYE: Are you currently living
17 in Georgia?

18 THE WITNESS: No, I live here now.

19 MS. NYE: You live here now. And
20 what brings you to South Carolina? Do you have a
21 job lined up? Or --

22 THE WITNESS: Actually, I move here
23 like four year ago to helping my brother to do --
24 to do a reception for his nail salon. And I do
25 like pick up phone and like take the order for the

1 customer. And then in -- in '09, my -- my dad, he
2 really, really sick, so I go back there and I help
3 my mom because my mom, she work on the second
4 shift. So I helping to care -- I help her to take
5 care of him at night -- night time.

6 MS. NYE: He lived in Atlanta?

7 THE WITNESS: He lived in Atlanta.

8 MS. NYE: And that's when you
9 decided to go to the nail school in Georgia?

10 THE WITNESS: Yeah. I go nail
11 school in day time and night time, I help my mom
12 take care of him.

13 MS. WEBB: So you went in the day
14 time to school.

15 THE WITNESS: Excuse me?

16 MS. WEBB: The day time, you went to
17 school.

18 THE WITNESS: Yes, sir. Yes, ma'am.

19 MS. WEBB: And what were the hours
20 on that?

21 THE WITNESS: Nine to four.

22 MS. NYE: I thought you said six.

23 Nine to six?

24 MS. WEBB: Nine to six? Is that
25 what you said earlier?

1 THE WITNESS: Yeah.

2 MS. NYE: You said nine to six,
3 right?

4 MS. WEBB: You said nine to six.

5 THE WITNESS: I said the school like
6 open at night to six. But sometime -- like it --
7 it depend on what day. Monday through Thursday,
8 they open at nine, in the morning, until nine p.m.
9 But Thursday, Friday and Saturday, they're open
10 nine in the morning until four.

11 MS. WEBB: Now, say that again, one
12 more time. Repeat that.

13 Q. Mr. Nguyen, you need to be certain that
14 you're understanding our questions, because at this
15 point, you've given us three different versions of
16 your story. So I want to give you the opportunity
17 to make sure that you're understanding us, so that
18 you can tell us the truth, so that we can better
19 help you successfully obtain a South Carolina
20 license. But I need for you to be as accurate with
21 your facts as you possibly can be, okay?

22 A. Yes, ma'am.

23 Q. Now, how many days a week did you go to
24 school?

25 A. Five day.

1 Q. And what time did you start class?

2 A. It depend on what day.

3 Q. Okay, now you didn't say that before.

4 A. I'm sorry.

5 Q. How did it depend on what day? What
6 determined the difference?

7 A. Because the school, they open like Monday
8 through Saturday. But Monday and -- Monday through
9 Thursday, they're open like nine in the morning
10 until 9 p.m. But Thursday, Friday and Saturday,
11 they open like nine in the morning until four.
12 That's why I go -- I go at Thursday like -- I -- I
13 finish my -- my class at four --

14 Q. All right. But on --

15 A. -- on Thursday and Friday.

16 Q. -- Monday, Tuesday and Wednesday --

17 A. Yes, ma'am.

18 Q. -- you went to school at nine o'clock --

19 A. Yes.

20 Q. -- and you finished at six.

21 A. Yes, ma'am.

22 Q. And you look a lunch break about an hour
23 sometime in there.

24 A. Yes, ma'am.

25 Q. And on Thursday, you went to school from

1 nine to four?

2 A. Yes, ma'am.

3 Q. And on Friday, you went to school from
4 nine --

5 A. To four.

6 Q. -- till four.

7 A. Yes, ma'am.

8 Q. Okay. So for every week you were
9 enrolled in school, that was your schedule, nine to
10 six for three days and nine till four for two days.

11 A. Yes, ma'am.

12 Q. That's correct.

13 A. Yes.

14 Q. Okay. And you still are telling us that
15 you enrolled the first of May, May 2nd --

16 A. May 2nd.

17 Q. -- and you completed the program August
18 the 31st.

19 A. Yes.

20 Q. And you completed 525 hours.

21 A. Yes, ma'am.

22 Q. Okay. Can you help me figure out how you
23 did that?

24 A. I don't know.

25 Q. Going to school Monday, Tuesday,

1 Wednesday from nine to six and Thursday/Friday from
2 nine to four?

3 A. They just tell me and then I'm done.

4 Q. How are your hours -- who kept track of
5 your hours for you? Did you have to punch in with
6 a time clock? Or did you sign in on a notebook?

7 A. I sign in.

8 Q. And did your teacher keep a total of your
9 hours for you?

10 A. Yes, ma'am.

11 Q. Did they ever show you your hours, so
12 that you had an idea of how much longer you had
13 left?

14 A. No, ma'am.

15 Q. No. Did you keep track of your hours?

16 A. I just go school until they say "You
17 done" and they just give me the -- the diploma.
18 But they tell me I'm done, and that's it.

19 Q. How many instructors did you have? How
20 many teachers did you have during your program?

21 A. I have two.

22 Q. Two? What were their names?

23 A. Daniel and Nicky.

24 Q. And what did Daniel teach you?

25 A. Daniel, he -- they -- they -- they

1 switched. Sometime Daniel -- Daniel, he -- he
2 teaching the theory and Nicky, she helping the
3 practical. But sometime they switch over. They --
4 they don't do the same.

5 Q. Were there other classes being taught in
6 the building when you were in school?

7 A. Hair.

8 Q. Hair?

9 A. I see hair, yeah.

10 Q. And did Daniel and Nicky, did they help
11 teach the hair classes as well?

12 A. I have no idea because I see them in the
13 building all the time.

14 Q. Was there ever the opportunity for you to
15 be in your classroom, but the instructors not be in
16 there with you?

17 A. Sometime. We -- we -- we -- we -- we
18 practice on each other and they just left.

19 Q. And would that be for just a little bit
20 of time? Or would that be sometimes all day? Or
21 how did that happen?

22 A. What do you mean, like?

23 Q. When the times where you were just
24 practicing, did you have an instructor in the room
25 with you at all times while you were in school? Or

1 sometimes they out in other places in the building?

2 A. They with us most of the time.

3 Q. Most of the time.

4 A. Yes, ma'am.

5 Q. I apologize for repeating the question,
6 because I know I asked you, I just did not write it
7 down. You currently live where?

8 A. I currently live in -- in Columbia.

9 Q. You currently live in Columbia.

10 A. Yeah.

11 Q. And at the time you were in nail school
12 in Atlanta, did you live in Atlanta?

13 A. Yes, ma'am.

14 Q. When did you -- did you move to Atlanta
15 from somewhere else? Or did you grow up in
16 Atlanta?

17 A. I grew up in Atlanta.

18 Q. Okay. And then you moved to South
19 Carolina.

20 A. Yes, ma'am.

21 Q. But you were never licensed in Georgia.

22 A. No, ma'am.

23 Q. Why not?

24 A. Because I never think about do nails when
25 I back in Georgia.

1 Q. But you went to school in Georgia to do
2 nails, but you never thought about doing nails in
3 Georgia?

4 A. Because like I -- I tell you I moved -- I
5 moved over here like four year ago. And my
6 brother, he had a nail salon here. And he tell me
7 -- back in Georgia, I don't have a job. That's why
8 he told me to move here and help him do the
9 customer service for him, so he pay me. And -- and
10 say if you want like make better money, you have to
11 do -- you have -- you have to have to go to the
12 nail school, get your nail license. And I help --
13 I help you with the nail --

14 Q. So you were helping your --

15 A. -- job.

16 Q. -- brother in the business. And then he
17 told you, in order to make more money, you needed
18 to be a nail tech.

19 A. Yes, ma'am.

20 Q. And that was here in South Carolina.

21 A. Yes, ma'am.

22 Q. Then why did you go back to Georgia to go
23 to school? Why didn't you go to school in South
24 Carolina, so that you can continue to work for him
25 doing customer service --

1 A. Like I tell you.

2 Q. -- while you were in school?

3 A. By that time, my dad, he really, really
4 sick. And my mom, she needed somebody to help her
5 at -- at nighttime, because she work like second
6 job.

7 Q. And that's in Georgia?

8 A. Yes. Yes, ma'am.

9 Q. Okay.

10 MS. THOMPSON: Do any of the board
11 members have any other questions?

12 (NO RESPONSE.)

13 Q. Mr. Nguyen, I just can't make your hours
14 and your time frame match up. There is no way that
15 you went to school May the 2nd to August the 31st
16 on the schedule that you've told us and that you
17 completed 525 hours. It's not possible.

18 A. The school say I'm done and I -- and I
19 think I'm done.

20 Q. And I apologize if the school has mislead
21 you. And if there's any way whatsoever, if you
22 have any other information that you can provide me,
23 to help me understand this, I'll be more than happy
24 to hear it. But otherwise, there's no way that
25 works.

1 MS. NYE: Did you keep track of
2 your hours?

3 THE WITNESS: I never track.

4 MS. NYE: You didn't track it.

5 THE WITNESS: I never check.

6 MS. NYE: You just took the school's
7 word --

8 THE WITNESS: School --

9 MS. NYE: -- for it --

10 THE WITNESS: Yes.

11 MS. NYE: -- when you were done,
12 when you had competed sufficient number of hours.

13 THE WITNESS: Yes, ma'am.

14 MS. NYE: How did you hear about the
15 school, the Atlanta Beauty Academy?

16 THE WITNESS: Like most of my
17 friend, they go that school. And even my -- my
18 brother, he -- he have his license over here. And
19 he -- he's over there too. He go that school.

20 MS. THOMPSON: Are there any other
21 questions from board members? Is anyone prepared
22 to make a motion, if there are no other questions?

23 MS. RODGERS: I'll make a motion to
24 deny because of the discrepancy in the hours.

25 MS. THOMPSON: I have a motion to

1 deny. Do I have a second?

2 (NO RESPONSE.)

3 MS. THOMPSON: I have a motion. Do
4 I have a second? The motion will die for a lack of
5 a second. Is there another motion?

6 MS. WEBB: Second.

7 MS. THOMPSON: The motion has
8 already died do to lack of a second.

9 MS. WEBB: I'm sorry. I'm sorry. I
10 was trying --

11 MS. THOMPSON: Someone would like to
12 reissue a --

13 MS. WEBB: -- to check all of my --

14 MS. THOMPSON: -- motion at this
15 point.

16 MS. WEBB: -- information.

17 MS. RODGERS: Issue the motion to
18 deny.

19 MS. THOMPSON: Again, I have a
20 motion on the table to deny.

21 MS. WEBB: Second.

22 MS. THOMPSON: And a second. Is
23 there any further discussion?

24 (NO RESPONSE.)

25 MS. THOMPSON: Hearing none, all in

1 favor, signify by saying aye.

2 BOARD MEMBERS: Aye.

3 MS. THOMPSON: Opposed? The motion
4 carries. Mr. Nguyen, the board has voted to deny
5 your application for licensure. You will receive a
6 document in the mail that more fully expresses the
7 conclusions in the appropriate language and the
8 format that the board has traditionally used.
9 Thank you.

10 THE WITNESS: Thank you.

11 *****

12 MS. THOMPSON: Next on the agenda,
13 Mong Van.

14 (The witness is sworn in.)

15 MS. THOMPSON: This hearing is
16 called to order. This is the matter of Mong Van,
17 V-A-N. The purpose of the hearing is to determine
18 whether the applicant should be granted a license
19 as a nail technician. Everyone is reminded that
20 these proceedings are being recorded and that all
21 witnesses must be sworn before they testify. All
22 remarks should be directed to the chair.

23 Mr. Ray, is the complete application packet in
24 our materials?

25 MR. RAY: Yes, ma'am.

1 MS. THOMPSON: And what questions
2 did staff have?

3 MR. RAY: Questions about the out-
4 of-state school attended.

5 MS. THOMPSON: Staff subpoena any
6 other persons to be here today?

7 MR. RAY: No, ma'am.

8 MS. THOMPSON: The applicant is
9 present. Ms. Van, do you have a lawyer with you
10 today?

11 THE WITNESS: No, ma'am.

12 MS. THOMPSON: Would you like a
13 lawyer today?

14 THE WITNESS: No.

15 DIRECT EXAMINATION OF MONG NGA VAN

16 BY MS. THOMPSON:

17 Q. We have your application for nail
18 technology license. Let's just start with the
19 basics. Where do you currently live?

20 A. I actually live in Charleston right now.

21 Q. In South Carolina. Charleston, South
22 Carolina.

23 A. Yes, ma'am.

24 Q. And where did you go to school?

25 A. I went to school in Virginia, in

1 Woodbridge, Executive Beauty Academy.

2 Q. Executive Beauty Academy, okay.

3 A. Yes, ma'am.

4 Q. And where did you live at the time you
5 were enrolled in school?

6 A. Actually, just stayed with my cousin for
7 a little bit. She --

8 Q. No. Where did you -- where were you
9 considered a resident while --

10 A. Oh, in South Carolina.

11 Q. -- you were in school. Okay. So you
12 were a South Carolina resident --

13 A. Yes, ma'am.

14 Q. -- during the time frame that you were
15 enrolled in school in Virginia.

16 A. Yes. I was living in Columbia at that
17 time too.

18 Q. Okay. And why didn't you go to school in
19 South Carolina?

20 A. Actually, I was in college for a little
21 bit, and then I took a break for a semester, and I
22 -- because I was doing biology. And I took a break
23 because I wasn't doing well. I went to my cousin.
24 She is an optometrist, so I was going to shadow
25 her. But I didn't want to do that every day, so I

1 kind of went just to nail school since, you know,
2 my family is doing it. And when I finished, it was
3 like, I think, November. And then I was like, you
4 know, I -- I don't feel like doing it. I went back
5 to school the next semester.

6 Q. So your cousin that you went to shadow,
7 the optometrist, lived in Virginia?

8 A. Yes, ma'am.

9 Q. Okay.

10 A. She lived in Arlington.

11 Q. Okay. How long were you with your
12 cousin? How long did you stay with your cousin?

13 A. Just that semester. It was only from --
14 I finished summer school in July, and so it's
15 probably from August to December. After Christmas,
16 I moved right back.

17 Q. Okay. If I were to tell you that this
18 affidavit says November, would that refresh your
19 memory at all?

20 A. Yeah, November was when I finished.

21 Q. Okay.

22 A. And I just stayed up there.

23 Q. But then you came back to South Carolina
24 in December --

25 A. Yeah.

1 Q. -- is that what you said? I
2 misunderstood.

3 A. I came back to Columbia, yes.

4 Q. And did you obtain your license in
5 Virginia?

6 A. No, ma'am. I actually came right back.
7 So I didn't even think about doing that.

8 Q. I'm having a hard time understanding why
9 there's so many people who go to school in one
10 state and then don't get their license there.
11 Could you help me understand that?

12 A. I used to live in Virginia when I was
13 younger, and so that's why I stayed there. And I
14 was actually trying to be an optometrist. And I
15 took -- I actually just took that school because it
16 was cheap. And so when I finished, I just moved
17 back to finish school. So I just finished my
18 degree, and I moved back to Charleston.

19 Q. And I appreciate your honesty, and that
20 makes perfect sense. I understand completely why
21 you would select a school that you felt like you
22 could afford. But what I don't understand is if
23 you take the time to go to school in a particular
24 state, why not go ahead and obtain your license
25 there --

1 A. Because --

2 Q. -- before then moving and trying to
3 obtain it in another state?

4 A. I wasn't -- I wasn't planning to move
5 back. Because my parents are here; I didn't really
6 want to leave my parents. They took my car away,
7 which is why I moved back to them. I didn't have a
8 ride.

9 Q. Okay. Let me make sure I'm
10 understanding. You lived here. You went to
11 Virginia --

12 A. Yes.

13 Q. -- to shadow your aunt, where you --

14 A. My cousin.

15 Q. -- enrolled in school. Your cousin; I'm
16 sorry. Where you enrolled in school.

17 A. Yes.

18 Q. You didn't ever really plan on coming
19 back to South Carolina, but your parents took your
20 car.

21 A. Well, I went back to school the next
22 semester to finish, to finish my degree.

23 Q. Where were you in college? Where were
24 you finishing your degree? What state?

25 A. In Columbia, USC.

1 Q. In Columbia, USC.

2 A. Yes, ma'am.

3 Q. And then when you said you didn't ever
4 plan to go back, where --

5 A. To Charleston.

6 Q. To Charleston.

7 A. And I didn't -- I didn't know anyone in
8 Columbia, so I wasn't planning to work here at all.
9 I didn't even plan to work in Virginia.

10 Q. Right. I'm sorry. It's been a long two
11 days.

12 A. Trust me --

13 Q. I'm sure it is all my fault.

14 A. -- I'm still hungry.

15 Q. But -- and I know; I bet you are. There
16 is a vending machine over there, just in case. All
17 right. I need just to back up and take this step
18 by step, just so I'm certain.

19 A. That's fine.

20 Q. Because I don't want -- I don't want
21 there to be any mistake or confusion that might
22 impact our decision, okay?

23 A. That's fine.

24 Q. You went to high school in what state?

25 A. Charleston, South Carolina.

1 Q. All right. High school in Charleston,
2 South Carolina.

3 A. Yes, ma'am.

4 Q. And then you finished high school.

5 A. Yes, ma'am.

6 Q. And you enrolled in USC?

7 A. Yes, ma'am.

8 Q. Okay. So college in Columbia, USC.

9 A. Yes.

10 Q. Then you took a break --

11 A. Yes. After --

12 Q. -- during your college, and you went to
13 stay with your cousin --

14 A. My cousin, yes, ma'am.

15 Q. -- in Virginia.

16 A. Yes.

17 Q. Okay. And during that time, you attended
18 nail school.

19 A. Yes, ma'am.

20 Q. In Virginia.

21 A. Yes.

22 Q. You finished nail school.

23 A. Yes.

24 Q. You came back to Columbia.

25 A. I stayed there for a while until --

1 Q. Right. But you finished, you stayed
2 there a little bit, but then you moved back to
3 Columbia --

4 A. Yes, ma'am.

5 Q. -- to finish college at USC.

6 A. Just finish the degree, yeah. It was
7 quicker just to back in.

8 Q. Okay. Quicker than what? What do you
9 mean?

10 A. Than signing into another school and
11 waiting for application process.

12 Q. Okay. Back to Columbia to finish. And
13 you obtained a degree in what?

14 A. Biology and chemistry, ma'am.

15 Q. And then when you finished and obtained
16 your degree in biology and chemistry --

17 A. Yes.

18 Q. -- you then moved where?

19 A. I stayed here until August. I was just
20 working --

21 Q. Of what year? What year are we in now?

22 A. Just this past year, so 2011.

23 Q. 2011, okay.

24 A. Yes.

25 Q. So August 2011. And then you moved

1 **where?**

2 **A. And then in August, I came back to**
3 **Charleston because my sister needed the car for**
4 **high school.**

5 **Q. Back to Charleston, okay. Think I'm with**
6 **you.**

7 **A. Yes.**

8 **Q. Moved to Charleston, South Carolina.**
9 **Moved to Columbia to enroll in college. Took a**
10 **break from college. Went to Virginia, obtained**
11 **your training in nail. And back to Columbia,**
12 **finished your degree. Then you moved back to**
13 **Charleston.**

14 **A. Yes, ma'am.**

15 **Q. And you currently live in Charleston --**

16 **A. Yes.**

17 **Q. -- South Carolina.**

18 **A. Yes, ma'am.**

19 **Q. Okay.**

20 MS. CURTIS: Can I ask a question?

21 MS. THOMPSON: Absolutely.

22 MS. CURTIS: Executive Beauty

23 **School.**

24 THE WITNESS: Yes.

25 MS. CURTIS: What does that mean?

1 THE WITNESS: It's Executive Beauty
2 Academy.

3 MS. CURTIS: Okay.

4 THE WITNESS: Sorry.

5 MS. CURTIS: All right. What's
6 Crystal's Beauty Academy?

7 THE WITNESS: I believe the old
8 owner passed away, Mr. James Hutton. And someone
9 bought it, someone bought the school and renamed
10 them.

11 MR. RAY: That is correct.

12 MS. CURTIS: Okay. This training
13 affidavit from Executive Beauty shows a graduation
14 date of November the 9th, 2010. And the training
15 affidavit from Crystal's Beauty Academy shows a
16 graduation date of November the 19th, 2011.

17 THE WITNESS: It should have it
18 November the 9th, ma'am.

19 MS. THOMPSON: Of which year?

20 THE WITNESS: 2010. It was 2010.
21 That's why I don't know why they changed that. I
22 don't know why -- 2011.

23 MS. CURTIS: And it's got her
24 enrollment dates from 8/13 to 11/19 on Crystal's
25 Beauty Academy. And it's got her enrollment dates

1 on Executive Beauty Academy from August the 3rd to
2 November the 9th. And both of these have been
3 notarized.

4 THE WITNESS: Crystal Beauty School
5 just really gave me a hard time. I called them a
6 couple times. Executive Beauty School is the
7 correct one, ma'am.

8 MS. NYE: All the dates are off
9 by ten days in a year.

10 THE WITNESS: Yeah. And I
11 graduated --

12 MS. CURTIS: And a year.

13 THE WITNESS: -- I graduated 2010
14 too. So I don't know why they did that. They
15 actually just bought that school I believe this
16 past year. And that's when I had to change all my
17 paperwork.

18 **Q. Do you remember, by chance, at what point**
19 **in the process of you being enrolled in the school,**
20 **when the name changed to Crystals?**

21 **A. I wasn't even in the school --**

22 **Q. Okay. So you had --**

23 **A. -- changed it.**

24 **Q. -- you had enrolled and completed your**
25 **program before the school changed ownership?**

1 A. Yes.

2 Q. So how did you obtain a transcript from
3 Crystals?

4 A. Because when I came here, when I finished
5 my degree, I didn't think about, you know, getting
6 a license again, so I didn't even think about it.
7 And then I started applying for South Carolina
8 after I graduated -- graduated. And that's when,
9 when I did it, I believe Ms. Matteah said it was
10 the wrong Academy. And that's when I called back
11 and they changed everything.

12 Q. All right. I guess maybe that's where
13 I'm getting confused. If Executive Beauty Academy
14 sold, but yet we have something in here from
15 Executive Beauty Academy, verifying with a certain
16 set of dates that you were a student there. If you
17 were never there when Crystal's Beauty School took
18 over ownership, I don't understand why they would
19 be willing to issue a transcript --

20 A. Because --

21 MS. RODGERS: Did you call back
22 for a transcript?

23 THE WITNESS: I called Ms. --
24 actually, I came straight to Ms. Matteah herself
25 twice. And she addressed the problems. I called

1 the school twice as well.

2 MS. RODGERS: So in that time, they
3 had changed the name.

4 THE WITNESS: Yes.

5 MS. RODGERS: So they sent the
6 transcript in the name they have now.

7 THE WITNESS: Yes. And they gave a
8 letter confirming that they changed the name as
9 well. I don't know if you have that letter.

10 MS. THOMPSON: Matteah, could you
11 help us? Do you have any recollection of this? Or
12 do you have any notes in your system that might
13 help clarify this a little bit for us?

14 MS. TAYLOR: I do remember her. And
15 it was brought back to my attention when you were
16 on executive session, that they had changed
17 ownership and their name. It was brought to my
18 attention by DeLeon.

19 MR. RAY: Right. And I just sent
20 him an email, to see if he could maybe come down,
21 because he's a little bit more knowledgeable of
22 that.

23 MS. THOMPSON: Well, I guess for me,
24 I'm just wondering if we have a training affidavit
25 with the appropriate name -- or the name of the

1 school in which she attended, why did we need one
2 fill in by the new owners to just duplicate, and
3 then now confuse? I mean, what was the reason for
4 us requesting a second --

5 MS. TAYLOR: The first training
6 affidavit is a South Carolina training affidavit.

7 MS. THOMPSON: Right.

8 MS. TAYLOR: And from my
9 understanding, those could not be notarized in
10 another state, because it was a South Carolina
11 training affidavit for South Carolina schools only.
12 So that's when I asked her to obtain another.

13 MS. THOMPSON: Okay. That makes
14 perfect sense. Okay. And just to update you
15 ladies, we had an issue where this is a form and it
16 said "State of South Carolina," and we were having
17 questions of how notaries within their legal right
18 be able to notarize something if it wasn't signed
19 in front of them. And obviously, they aren't
20 traveling to these various states to have these
21 school instructors sign before they notarize. So
22 from that, it was decided that we needed to amend
23 this form somehow or another, and that makes
24 perfect sense as to why we have two. Thank you.

25 MS. TAYLOR: You're welcome.

1 MS. THOMPSON: Now there's the issue
2 of somebody made a mistake in the completion of
3 those forms because we have the conflicting years
4 and typos and all of that, which is now problematic
5 for Ms. Van, as well as us.

6 MS. TAYLOR: And I do apologize,
7 because when she did give it back to me, I did not
8 look at those dates. I was grateful that she was
9 able to get it.

10 THE WITNESS: I didn't even --

11 MS. THOMPSON: And I can understand
12 that completely. You had already verified all
13 them. You assumed, as I would have, that the
14 information would have been the same. It was just
15 coming on a different letterhead and without the
16 South Carolina information on there. So I would
17 have done the same thing, Matteah.

18 Other than Ms. Van, have you had any other
19 previous interactions or dealings or conversations
20 with this school or any of their representatives?
21 Have we had anything come through from them before?

22 MS. TAYLOR: We have had things to
23 come in from Executive Beauty before. And Jessica
24 and DeLeon were dealing with them. And like I
25 said, when you-all were in executive session, he

1 reminded me of the change, or he brought it to my
2 attention of the name change and the ownership
3 change of it.

4 MS. THOMPSON: I'm just a little
5 curious that I know that we've seen the name of
6 that school multiple times throughout the last
7 couple of days, why this is the first time we're
8 hearing about a name change. Surely to goodness,
9 there's not --

10 THE WITNESS: I waited a long time
11 to apply; that must have been why.

12 MS. THOMPSON: That seems to kind of
13 be the pattern here as well, I mean.

14 MS. RODGERS: Has she taken the NIC?
15 Did she say?

16 THE WITNESS: I took all my theories
17 and practicals this past --

18 MS. RODGERS: And you took them in
19 South Carolina.

20 THE WITNESS: Yes, ma'am. I took it
21 when I came back and graduated.

22 **Q. There's another issue that I've got a**
23 **little bit of confusion with, and it may be that**
24 **during the original submission your Social Security**
25 **card was not signed.**

1 **A. Yes.**

2 **Q. We requested that you sign it, and that's**
3 **why there's two copies --**

4 **A. Yes, ma'am.**

5 **Q. -- one signed, one not.**

6 **A. Yes, ma'am.**

7 **Q. Okay.**

8 **A. I didn't sign it before until that time,**
9 **I guess.**

10 MS. THOMPSON: Is it possible for us
11 to have the test dates? Can we access that
12 information in our system and --

13 MS. TAYLOR: I have them right
14 here.

15 MS. THOMPSON: Do you? Do we have
16 them and we're just overlooking them?

17 MS. TAYLOR: Yes.

18 MS. THOMPSON: I'm sorry.

19 MS. TAYLOR: That's okay. It's
20 behind her application. The practical was taken
21 October 2011, October 17th, 2011. The theory was
22 November 9th, 2011.

23 MS. THOMPSON: Okay. I apologize
24 again.

25 MS. TAYLOR: That's okay.

1 MS. THOMPSON: I know I saw an
2 application to take the exam, but I bypassed the
3 score sheet.

4 MS. THOMPSON: Are there anymore
5 questions? If there are no more questions, --

6 MS. RODGERS: Make a motion to
7 approve.

8 MS. WEBB: Second.

9 MS. CURTIS: Second.

10 MS. THOMPSON: I have a motion and
11 multiple seconds to approve. Is there any further
12 discussion?

13 (NO RESPONSE.)

14 MS. THOMPSON: Hearing none, all in
15 favor, signify by saying aye.

16 BOARD MEMBERS: Aye.

17 MS. THOMPSON: Opposed? The motion
18 carries.

19 THE WITNESS: Thank you very much.

20 *****

21 MS. THOMPSON: First name T-R-U-O--
22 G, last name N-G-U-Y-E-N. Are you Truong Nguyen?

23 THE WITNESS: Yes, ma'am.

24 MS. THOMPSON: Okay. If you would
25 come forward, please. Present your identification

1 to the court reporter.

2 (The witness is sworn in.)

3 MS. THOMPSON: This hearing is
4 called to order. This is the matter of T-R-U-O-N-
5 G, last name N-G-U-Y-E-N. The purpose of this
6 hearing is to determine whether the applicant
7 should be granted a license as a nail technician.
8 Everyone is reminded that these proceedings are
9 being recorded and that all witnesses must be sworn
10 before they testify. All remarks should be
11 directed to the chair.

12 Mr. Ray, is the complete application packet in
13 our material?

14 MR. RAY: Yes, ma'am.

15 MS. THOMPSON: And what question did
16 staff have?

17 MR. RAY: Questions about the out-
18 of-state school attended.

19 MS. THOMPSON: Did staff subpoena
20 any other persons to be here?

21 MR. RAY: No, ma'am.

22 MS. THOMPSON: And the applicant is
23 present. Mr. Nguyen, did you bring anyone else
24 with you today?

25 THE WITNESS: No, ma'am.

1 MS. THOMPSON: Do you have a lawyer?

2 THE WITNESS: No, ma'am.

3 MS. THOMPSON: Would you like a
4 lawyer?

5 THE WITNESS: No, ma'am.

6 DIRECT EXAMINATION OF TRUONG TUAN NGUYEN

7 BY MS. THOMPSON:

8 Q. And you have applied for a nail
9 technology license in South Carolina.

10 A. Yes, ma'am.

11 Q. Do you currently live in South Carolina?

12 A. Yes, ma'am.

13 Q. How long have you lived in South
14 Carolina?

15 A. Seven years, I've lived.

16 Q. Seven years?

17 A. Yes.

18 Q. And where did you live prior to moving to
19 South Carolina?

20 A. Georgia.

21 Q. How long did you live in Georgia?

22 A. Five years.

23 Q. Did you say five?

24 A. Yes.

25 Q. Where did you live prior to that?

1 A. Vietnam.

2 Q. So you moved from Vietnam to Georgia, and
3 Georgia to South Carolina.

4 A. Yes.

5 Q. Where did you go to nail school?

6 A. In Florida.

7 Q. Where did Florida come into play?

8 A. Orlando, Florida.

9 Q. How did you get to Florida? You were
10 living where when you enrolled in school? What
11 state did you have residency -- where did you live
12 when you decided to go to Florida to nail school?
13 Because we have you living --

14 A. I live in --

15 Q. -- in Vietnam, in Georgia and South
16 Carolina.

17 A. -- South Carolina.

18 Q. Okay. Again I'll ask you, why did you go
19 to Florida to nail school?

20 A. It's a long story.

21 Q. Okay. I'm ready.

22 A. Okay. This guy work for my mom. He got
23 a friend that go school over there, and he
24 introduced the girl to me and I was talking to her.
25 And she say she wanted to sign up for nail school.

1 So I was kind of on my vacation too, so I decide to
2 go there, visit her, at same time taking class with
3 her. So, I and sign up same class with her.

4 Q. So you went on vacation. And while
5 you're on vacation --

6 A. Yeah.

7 Q. -- you met a girl who was going to go to
8 nail school. And you went and decided to attend
9 school with her.

10 A. Yes.

11 Q. That's a heck of a vacation.

12 A. Yeah. It is.

13 Q. How long were you in school?

14 A. Two months.

15 Q. Two months. And how many hours did you
16 complete while you were there?

17 A. Three hundred twenty-five hours.

18 Q. Three hundred twenty-five.

19 A. Yes.

20 Q. And did you start at the same time as
21 this friend that you went with? And did you finish
22 at the same time?

23 A. Yes, ma'am.

24 Q. And did you become licensed in Florida?

25 A. No, ma'am.

1 Q. Why?

2 A. Because I not -- because I just go there
3 for vacation. I want my license over here because
4 my mom had a business over here, so I wanted to
5 help her.

6 Q. Okay. You went there for vacation, and
7 then I missed the last part of what you said. I
8 couldn't hear you.

9 A. I went up there for vacation, yeah. And
10 my mom, she had a business over here. I wanted to
11 get my license over here in South Carolina and
12 helping her. I just go over there for vacation and
13 take classes.

14 Q. Right. But you were there long enough to
15 complete school. I don't understand why you didn't
16 wait just a couple more weeks, go ahead and test
17 there before you came back home. You had already
18 been there a couple months; why not wait just a
19 couple weeks longer?

20 A. I really don't know. I didn't thought
21 about it.

22 Q. So when you enrolled in school in
23 Florida, did you ever intend to get your Florida
24 license?

25 A. No, ma'am.

1 **Q. No. So why did you go to school in**
2 **Florida?**

3 **A. I just signed up because of the girl.**

4 **Q. Was it a girlfriend?**

5 **A. Yes.**

6 MS. CURTIS: Was it expensive for
7 you to go to school in Florida?

8 THE WITNESS: Expensive?

9 MS. CURTIS: Yeah.

10 THE WITNESS: It is.

11 MS. CURTIS: It was expensive to go
12 to school in Florida.

13 THE WITNESS: Yes, ma'am. It is.

14 MS. WEBB: Once you received your
15 license, did you not --

16 MS. THOMPSON: He never got a
17 license.

18 MS. WEBB: No, no, I'm sorry.
19 Excuse me. Once you received your hours, were you
20 not even thinking about getting the license? I
21 mean, what is the --

22 THE WITNESS: I mean, after I get in
23 my hours, my mom, she -- well, actually, I didn't
24 thought about getting license. But my mom business
25 had a lot of problem going on. She been hire the

1 wrong employee that they -- they not doing a good
2 job and they got a lot of complaining. So in other
3 to help my mom, I had to get a license.

4 MS. WEBB: So you finished your
5 schooling. And right after the schooling, in other
6 words, time it was finished, then she started
7 having problems, so you couldn't stay to take a
8 test.

9 THE WITNESS: I mean, after
10 finish school, the girl went doing her business and
11 I had to go back to help my mom with her business.

12 Q. Where did you live while you were in
13 school in Florida?

14 A. I live with my teacher, auntie.

15 Q. Your teacher?

16 A. My teacher, auntie.

17 Q. So you lived --

18 A. I sharing with her; I had to.

19 Q. When did you meet your teacher? Did you
20 know your teacher prior to enrolling in school?

21 A. When I go there, I'm kind of asking her
22 if there any place around here that -- that I can
23 live. So she introduce me to her --

24 Q. You went to Florida on vacation.

25 A. Yes.

1 Q. How long was your planned vacation
2 supposed to be? When you left South Carolina to go
3 on vacation, how long had you planned to be away?

4 A. I didn't plan it. I just go and I can
5 come back anytime I want. I live in like -- and I
6 kind of stay in the hotel room for a while. And
7 then when I sign up for school at the school,
8 actually asking my teacher if she know anymore
9 place like cheaper so I can stay, and she introduce
10 me to her aunt and --

11 Q. She introduced you to what?

12 A. Her aunt.

13 Q. Aunt?

14 A. Aunt, yes.

15 Q. Okay.

16 A. And so she showed me the way there. And
17 they was talking and she let me share a room. I
18 have to pay her for her room.

19 Q. So you go to Florida on vacation --

20 A. Yes, ma'am.

21 Q. -- without a return date scheduled.

22 A. Yes, ma'am.

23 Q. You meet a girl, who becomes your
24 girlfriend. She talked you into enrolling into
25 school.

1 **A. Yes.**

2 **Q. Nail school. You meet your teacher. You**
3 **ask your teacher for a cheaper place to stay and --**

4 **A. Yes, ma'am.**

5 **Q. -- she introduces you to her aunt, and**
6 **then you become the aunt's roommate.**

7 **A. Yeah.**

8 **Q. Really?**

9 **A. Yes. Actually, I know the girl before I**
10 **going over there. So I think you misunderstand by**
11 **that.**

12 **Q. Which girl? The girlfriend?**

13 **A. Yes, the girlfriend. I talk to her on**
14 **the phone.**

15 MS. CURTIS: And that's why you went
16 to Florida?

17 THE WITNESS: Yes.

18 MS. CURTIS: To see her because --

19 THE WITNESS: My planning is to go
20 to Florida, see her and my vacation. And, I mean,
21 she said she wanted to sign up for a nail tech. If
22 she going to go sign up for nail tech, she will be
23 in class all day, and I'm not going to see her that
24 much. So I --

25 **Q. You must have really liked her --**

1 THE WITNESS: -- signed up --

2 Q. -- to decide to go to school to be able
3 to see her.

4 A. Yes.

5 MS. CURTIS: So were you working?

6 A. And spend more time with her.

7 MS. CURTIS: Were you working to pay
8 for this school? and working to pay for this rent?
9 and working to -- I mean, I'm just trying to figure
10 out, when did you have time to work and how do --

11 THE WITNESS: I don't work.

12 MS. CURTIS: -- you make -- you
13 don't work?

14 THE WITNESS: Uh-uh.

15 MS. CURTIS: How were you making
16 money during this period of time?

17 THE WITNESS: I'm going to school,
18 and my mom is the one to pay.

19 MS. CURTIS: Your mother was
20 paying --

21 THE WITNESS: Yes.

22 MS. CURTIS: -- for your school --

23 THE WITNESS: Yes.

24 MS. CURTIS: -- down there. And you
25 were looking for a place to stay.

1 THE WITNESS: Yes, ma'am.

2 MS. RODGERS: And you stayed with
3 the girlfriend's aunt.

4 (Talking over each other.)

5 MS. CURTIS: The instructor's
6 family.

7 THE WITNESS: Yeah. And my
8 girlfriend house like, I think close.

9 MS. CURTIS: Okay. How were you
10 paying for the rent?

11 THE WITNESS: The rent?

12 MS. CURTIS: Yes.

13 THE WITNESS: My mom, she opened me
14 a credit card. So every time I say "Mom I need
15 money," she sent money to my credit card. And
16 sometime --

17 MS. CURTIS: You need to go home and
18 give your mama a big old hug and a kiss.

19 THE WITNESS: Yes, she love me.

20 MS. CURTIS: I can't imagine me
21 doing that to one of my children.

22 THE WITNESS: Actually, she kind of
23 spoil me.

24 MS. CURTIS: I just can't imagine.

25 **Q. I just need a little clarification. You**

1 said that you had talked to the girlfriend on the
2 phone.

3 A. Yes, ma'am.

4 Q. Did you know her prior to speaking to her
5 on the phone? Or you just had phone conversations
6 until such time you went to Florida?

7 A. Yeah.

8 Q. Yes, what? Which question?

9 A. We on the phone for at least a month, and
10 then I go there and see her.

11 Q. How did you -- how did you start talking
12 to her on the phone to begin with? Where were you
13 introduced?

14 A. I call her; I say --

15 Q. How did you get her number? Why did you
16 call her?

17 A. From a guy that work for my mom. He
18 introduce her to me. So he calling her, telling
19 her that I'm going to introduce this guy to you.
20 He's a nice guy or whatever. And so she gave me
21 her number. And I call her and say this guy just
22 talking about you and then we just talk as a friend
23 and we get to know each other a little bit. And we
24 find interesting sort of. So we kind of --

25 Q. And then you plan a trip to Florida to

1 meet her in person.

2 A. Yes, ma'am.

3 Q. And you liked her so much you enrolled in
4 school to be able --

5 A. Yes, ma'am.

6 Q. -- to see her because she was going to be
7 in school all day.

8 A. Yes, ma'am.

9 Q. And your mom funded this the entire time.

10 A. Yes, ma'am.

11 Q. And then instead of funding it for two
12 more weeks for you to get licensure, mom decides
13 that it's imperative that you come home quickly.
14 And then now you're trying to get licensure in
15 South Carolina.

16 A. Yes. To help her.

17 MS. CURTIS: Madam Chair, I'd like
18 to make a motion, please.

19 MS. THOMPSON: Yes, ma'am.

20 MS. CURTIS: A motion to deny.

21 MS. THOMPSON: I have a motion to
22 deny this application. Do I have a second?

23 MS. WEBB: Second.

24 MS. THOMPSON: A motion and a
25 second. Is there any further discussion?

1 (NO RESPONSE.)

2 MS. THOMPSON: Hearing none, all in
3 favor, signify by saying aye.

4 BOARD MEMBERS: Aye.

5 MS. THOMPSON: Opposed? The motion
6 carries. The board has denied your application.
7 You will receive a document that more fully
8 expresses the conclusion in the appropriate
9 language. Thank you.

10 THE WITNESS: So I've been denied
11 for telling you the truth? Thank you, ma'am.

12 MS. THOMPSON: Thank you.

13 MS. WEBB: Madam Chair, a motion for
14 a ten minute break, or five, whatever.

15 MS. THOMPSON: I have a motion for a
16 break. Do I have a second?

17 MS. RODGERS: Second.

18 MS. THOMPSON: Motion and a second.
19 Any discussion?

20 (NO RESPONSE.)

21 MS. THOMPSON: Hearing none, all in
22 favor, signify by saying aye.

23 BOARD MEMBERS: Aye.

24 MS. THOMPSON: Opposed? The motion
25 carries. Going to have a small break, ten minutes.

1 (Off the record.)

2 MS. THOMPSON: Next on the agenda,
3 last name D-A-O, first name T-I-E-M.

4 (The witness is sworn in.)

5 MS. THOMPSON: This hearing is
6 called to order. This is the matter of last name
7 D-A-O, first name T-I-E-M. The purpose of this
8 hearing is to determine whether the applicant
9 should be granted a license as a nail technician.
10 Everyone is reminded that these proceedings are
11 being recorded and that all witnesses must be sworn
12 before they testify. All remarks should be
13 directed to the chairman.

14 Mr. Ray, is the complete application package
15 in our materials?

16 MR. RAY: Yes, ma'am.

17 MS. THOMPSON: What question did
18 staff have?

19 MR. RAY: Questions about the out-
20 of-state school.

21 MS. THOMPSON: Did staff subpoena
22 any other persons to be here today?

23 MR. RAY: No, ma'am.

24 MS. THOMPSON: The applicant is
25 present. Is it Dao?

1 THE WITNESS: Yes.

2 MS. THOMPSON: Mr. Dao, did you
3 bring a lawyer with you today?

4 THE WITNESS: No.

5 MS. THOMPSON: Did you want a lawyer
6 today?

7 THE WITNESS: No.

8 DIRECT EXAMINATION OF TIME VAN DAO

9 BY MS. THOMPSON:

10 Q. So we have your application for a nail
11 technology license, nail technician's license; is
12 that correct?

13 A. Yes, ma'am.

14 Q. Do you have a license in any other state?

15 A. Yeah, Florida.

16 Q. You are licensed currently in Florida as
17 a nail technician.

18 A. Yeah.

19 Q. Okay.

20 MS. THOMPSON: Do we have a copy of that?

21 MS. TAYLOR: No, ma'am.

22 Q. Do you have a copy of that with you?

23 A. (Inaudible.)

24 Q. Yes. Could you hand that to Mr. Ray,
25 please?

1 **(The witness complies.)**

2 **(Off-the-record discussion.)**

3 MS. THOMPSON: For the record -- and
4 we'll get a copy for you, Ciel -- we do have a
5 Florida license for manicuring/pedicuring/nail
6 extension specialist, expires October 31st of 2012.
7 Looks like it was issued July 22nd of 2011.

8 **Q. Does that sound correct to you, Mr. Dao?**

9 **A. Yes, yes.**

10 **Q. You received your license in July of 2011**
11 **from Florida?**

12 **A. Yeah.**

13 **Q. Do you have a license in any other state?**

14 **A. No.**

15 **Q. No. Just Florida.**

16 **A. Just Florida.**

17 **Q. And where do you currently live?**

18 **A. I live here.**

19 **Q. You live in South Carolina.**

20 **A. You know, I to come South Carolina in**
21 **February.**

22 **Q. February?**

23 **A. Yeah. From Florida in 2011, yeah.**

24 **Q. You came to South Carolina February of**
25 **2011.**

1 A. Yeah.

2 Q. And you came to South Carolina from
3 where?

4 A. I don't --

5 Q. When you moved to South Carolina, where
6 did you move from? Where had you been living?

7 A. I live in Ohio. Yeah, the first time
8 Ohio.

9 Q. All right. So you moved from Ohio --

10 A. Yeah.

11 Q. -- to South Carolina --

12 A. Yeah, first, yeah.

13 Q. -- in February of 2011?

14 A. Yeah.

15 Q. And then did you ever live in Florida?

16 A. Florida, yeah.

17 Q. So you lived in South Carolina for a
18 month.

19 A. Just one.

20 Q. Just one month.

21 A. One month, yeah.

22 Q. And then you moved to Florida.

23 A. Yeah, Florida.

24 Q. Okay. And then you enrolled in school.

25 A. Yeah.

1 Q. And how long did you live in Florida?

2 A. I live in Florida from March to July, to
3 July, and maybe the end of July -- end of July,
4 yeah.

5 Q. And then in July, where did you move?

6 A. Yeah.

7 Q. When you left, when you moved away from
8 Florida, where did you move then?

9 A. -- my speak English.

10 Q. It's okay. You're doing great. You went
11 from Ohio --

12 A. Yeah.

13 Q. -- to South Carolina.

14 A. Yeah.

15 Q. And then one month later, you went from
16 South Carolina to Florida.

17 A. Yeah.

18 Q. And then Florida --

19 A. Yeah.

20 Q. Where did you go next?

21 A. Florida, I -- I go back here next.

22 Q. Go back here.

23 A. Yeah, go back here.

24 Q. Okay. Have you ever heard of Pro Nails
25 and Beauty School?

1 A. Pro Nail?

2 Q. Uh-huh.

3 A. I think --

4 Q. Have you heard of that school before?

5 A. I --

6 Q. Have you ever heard of Pro Nails and
7 Beauty School? It's a school in Florida. Have you
8 ever heard of that school?

9 A. Pro Nail?

10 Q. Uh-huh.

11 A. Oh, I -- I -- no.

12 Q. No, okay.

13 A. Yeah.

14 Q. What was the name of your school?

15 A. My school Academy of Health and Beauty --

16 Q. Okay. How did you find that school?

17 What made you choose Academy of Health and Beauty?

18 What made you choose to go to that school?

19 A. I choose -- what -- what make them -- why
20 choose that school?

21 Q. Uh-huh.

22 A. Yeah. You know, first time I come here,
23 it just short time, I have no car. So I -- my
24 friend had me go that school and home, and yeah.

25 Q. You had no car?

1 A. Yeah.

2 Q. While you lived in South Carolina, you
3 had no car?

4 A. When I -- I come back.

5 Q. Okay. I may not -- I'm sorry. I may not
6 have made my question clear. I apologize. When
7 you were looking for a nail school to attend, did
8 you look into a lot of schools and then you chose
9 Academy of Health and Beauty? Or did you only ever
10 hear of that school? and you just went because
11 that's the only one you knew about?

12 A. I heard from my friend.

13 Q. Okay. Did you look into any other
14 schools? Did you check around? Or did you just
15 get the recommendation from your friend and go just
16 to Academy without looking at anyone else?

17 A. Yeah.

18 Q. That is correct? Okay. Do you remember
19 how much you paid to go to school?

20 A. First time I paid \$250.

21 Q. Two hundred and fifty --

22 A. Yeah.

23 Q. -- was your deposit? Or your --

24 A. Yeah.

25 Q. -- enrollment? Okay.

1 A. And then I pay monthly.

2 Q. Monthly.

3 A. Yeah. One hundred.

4 Q. One hundred dollars per month.

5 A. Yeah.

6 Q. Okay. And for how many months did you
7 make that payment?

8 A. Two and half.

9 Q. Two and a half months.

10 A. Yeah.

11 Q. And so if I can add correctly, it looks
12 like you paid -- for two months you paid a hundred
13 dollars, which is \$200, plus the \$250 is \$450.

14 A. Yeah.

15 Q. I don't know if they gave you a prorated
16 -- so I'm assuming approximately \$500 is what it
17 cost you to go to school?

18 A. (No audible response.)

19 Q. Five hundred dollars.

20 A. Yes.

21 Q. Do you plan on keeping your Florida
22 license? If you get your South Carolina license,
23 do you plan on keeping your Florida license active?
24 Or will you let that license expire and only have a
25 South Carolina license?

1 A. I wish you can give me a -- to have
2 license here.

3 Q. You wish that we could give you -- I'm
4 sorry, what to have license?

5 A. I wish I -- I had my license, this South
6 Carolina.

7 Q. Right. You'd like your South Carolina
8 license, yes, I understand that. Do you plan on
9 keeping a South Carolina license if you get that,
10 and a Florida license? Will you keep both of them?

11 A. Yeah, keep both.

12 Q. You keep them both. Do you have plans to
13 travel back and forth between South Carolina and
14 Florida to work?

15 A. Yeah.

16 Q. You do plan to do that.

17 A. Yeah.

18 Q. Do you have somewhere lined up that you
19 could work right now in South Carolina? Do you
20 have a job waiting on you if you get your --

21 A. Waiting for a job.

22 Q. I'm sorry?

23 A. I'm waiting.

24 Q. You're waiting.

25 A. Yeah.

1 **Q. Okay. Do you have a job in Florida?**

2 **A. No.**

3 MS. THOMPSON: Do any of the board
4 members have questions?

5 (Off-the-record discussion.)

6 MS. THOMPSON: Is there another
7 question? Or is anyone prepared to make a motion?

8 MS. RODGERS: Madam Chair, I'd like
9 to make a motion.

10 MS. THOMPSON: Absolutely.

11 MS. CURTIS: I'd like to make a
12 motion that we deny this particular application for
13 approval of license and ask that it be resubmitted
14 as an endorsement of license.

15 MS. THOMPSON: I have a motion to
16 deny what is presented to us today, with guidance
17 for the applicant to follow the path of endorsement
18 into South Carolina. Do I have a second?

19 MS. RODGERS: Second. I have a
20 motion and a second. Is there any further
21 discussion?

22 MS. NYE: Will the staff provide him
23 the information --

24 MS. THOMPSON: Yes.

25 MS. NYE: -- providing the

1 paperwork?

2 MS. THOMPSON: Yes. Any other
3 discussion?

4 (NO RESPONSE.)

5 MS. THOMPSON: Hearing none, all in
6 favor, signify by saying aye.

7 BOARD MEMBERS: Aye.

8 MS. THOMPSON: Opposed? The motion
9 carries. Sir, since you have a license in Florida,
10 we have to have different paperwork for you for the
11 board to consider for your South Carolina license.
12 So staff is going to show you the proper paperwork
13 to start the proper channels to get you a South
14 Carolina license, okay? What was presented to us
15 today is not what we need in order to help you. So
16 they're going to show you what you need for us to
17 help you. Do you understand that?

18 THE WITNESS: What does it mean?

19 MS. THOMPSON: I know; I'm sorry.
20 We need more information, to help you get licensed
21 in South Carolina. Staff is going to show you what
22 we need and assist you in getting that filled in,
23 okay?

24 THE WITNESS: Okay.

25 MS. THOMPSON: Yes. Okay. Thank

1 you.

2 THE WITNESS: Yeah, thank you.

3 *****

4 MS. THOMPSON: Next on the agenda,
5 last name T-R-A-N, first name N-H-U. T-R-A-N,
6 first name N-H-U. Matteah, are you going to step
7 to the door?

8 MS. THOMPSON: The next applicant T-
9 R-A-N is not present. Do I have a motion?

10 MS. RODGERS: Motion to deny.

11 MS. THOMPSON: Due to?

12 MS. RODGERS: Their not being
13 here.

14 MS. THOMPSON: I have a motion to
15 deny the application for T-R-A-N due to the fact
16 that the applicant is not present. Do I have a
17 second?

18 MS. CURTIS: Second.

19 MS. THOMPSON: A motion and a
20 second. Is there any further discussion?

21 (NO RESPONSE.)

22 MS. THOMPSON: Hearing none, all in
23 favor, signify by saying aye.

24 BOARD MEMBERS: Aye.

25 MS. THOMPSON: Nay? Opposed? The

1 motion carries.

2 *****

3 MS. THOMPSON: In my records, we are
4 moving now to Christine Smith.

5 (The witness is sworn in.)

6 MS. THOMPSON: This hearing is
7 called to order. This is the matter of Christine
8 **A. Smith. The purpose of this hearing is to**
9 **determine whether the applicant should be granted a**
10 **license as a nail technician. Everyone is reminded**
11 **that these proceedings are being recorded and that**
12 **all witnesses must be sworn before they testify.**
13 **All remarks should be directed to the chairman.**

14 **Mr. Ray, is the complete application packet in**
15 **our materials?**

16 MR. RAY: Yes, ma'am.

17 MS. THOMPSON: And what question did
18 staff have pertaining to the application?

19 MR. RAY: Questions about the work
20 experience as an apprentice, without W-2s
21 submitted.

22 MS. THOMPSON: And did staff
23 subpoena anyone to be here to answer our questions?

24 MR. RAY: No, ma'am.

25 MS. THOMPSON: And the applicant is

1 present. Ms. Smith, do you have an attorney?

2 THE WITNESS: No.

3 MS. THOMPSON: Did you want an
4 attorney?

5 THE WITNESS: No.

6 MS. THOMPSON: Okay.

7 DIRECT EXAMINATION OF CHRISTINE A. SMITH

8 BY MS. THOMPSON:

9 Q. We have your application here for
10 licensure in South Carolina. Are you currently
11 licensed in another state?

12 A. No.

13 Q. You are not.

14 A. I am not.

15 Q. Okay. So tell me, have you had a license
16 in another state?

17 A. Yes. I moved here from New Jersey in
18 2000. I held a license in New Jersey from 1995
19 until 2000 when I moved here. I had not planned on
20 letting my license lapse, but I had two children
21 since -- from then till now. My youngest just went
22 to school last year, which is when I started this
23 process. So I wanted to be -- there is a huge
24 lapse, which is, you know, on my fault. So I was
25 just wanting to know what I was required to do to

1 be able to get my license in South Carolina. I was
2 licensed in New Jersey, but not since 2000. So
3 with there being such a big lapse, I wasn't sure
4 what I needed to do to be able to be licensed here.

5 Q. Did you try and get that determination?
6 Or did you just simply request to come straight to
7 the board?

8 A. No, I did. I sent in -- it's taken such
9 a long time. This process for me has been about a
10 year because of paperwork that's being requested
11 from South Carolina State Board, plus from the
12 Professional Credential Services.

13 Q. Right.

14 A. Some information I did not have on my
15 person, so I had to request it from New Jersey,
16 which, you know, all of it had to be original
17 documents, so it was through the mail.

18 Q. Right.

19 A. And this is was what I was told, that it
20 could not be reviewed on staff level, so I had to
21 come meet with you.

22 Q. Correct. But the issue is that in order
23 to obtain licensure in South Carolina, we first
24 have to see transcript from the school that you
25 attended, to see that the curriculum there matches

1 our curriculum, especially if there's any
2 deficiency in hours. Okay. So that has to come
3 from New Jersey to South Carolina, so that part is
4 correct. But if you had not taken a national exam,
5 then you have to do that, according to our
6 regulations in South Carolina. So, again, another
7 delay.

8 Do we have that? Have we obtained that,
9 staff?

10 MR. RAY: I'm sorry.

11 MS. THOMPSON: Have we obtained
12 transcript from New Jersey? Were we able to get
13 that?

14 MS. TAYLOR: The application came
15 directly from PCS for approval before they would
16 allow her to sit for the exam.

17 MS. THOMPSON: Okay. But have we
18 been able to establish her training from her
19 original licensure in New Jersey --

20 MS. TAYLOR: No.

21 MS. THOMPSON: -- back -- no.

22 THE WITNESS: I'm sorry. I thought
23 that you were provided a Letter of Certification
24 from the State Board of my license.

25 MS. TAYLOR: We have the

1 verification letter.

2 THE WITNESS: Okay.

3 MR. RAY: Those are two separate
4 items.

5 THE WITNESS: Okay.

6 **Q. So we do have from New Jersey. But they**
7 **have on record that you were, indeed, licensed in**
8 **New Jersey from '95/'96 to 2000.**

9 **A. Yes.**

10 **Q. We have that. But what --**

11 MS. TAYLOR: I will ask Malinda
12 to check and see, but as far as the information
13 that I have, you-all have everything that I have.

14 MS. THOMPSON: I guess I'm a little
15 confused. I'm familiar with the regulations and
16 the requirements for applicants moving here with
17 valid licensure. I'm familiar with the procedure
18 with applicants moving here without a license and a
19 deficiency in hours. What I'm unfamiliar with is
20 an expired license for this many years and what the
21 protocol is, because at one point or another, New
22 Jersey established that she was qualified for
23 licensure. Do we rely on that? and then just have
24 her test? Or do our regulations still mandate that
25 there has to be the transcript, as if she were

1 never licensed, since it's been 12 years?

2 MS. RODGERS: It's been eleven
3 years.

4 MS. THOMPSON: I don't know. I
5 can't recall ever having that.

6 MS. NYE: And it looks like she
7 completed 200 hours of training at Sussex County
8 Vocational --

9 THE WITNESS: Yes.

10 MS. NYE: -- School, so that we
11 would have the hundred hours that we would need to
12 do through --

13 MS. RODGERS: But what we're saying
14 is there's a lapse --

15 MS. NYE: Yeah, yeah, yeah. There's
16 that lapse too.

17 MS. RODGERS: -- of not being in
18 school or practicing from 2000 to --

19 MS. NYE: So we don't have any W-2
20 or work --

21 **A. I am. I have been working in a salon for**
22 **the past year and a half, but I'm only as an**
23 **apprentice/assistant. So, you know, I'm obviously**
24 **not --**

25 **Q. In South Carolina?**

1 A. In South Carolina, yes.

2 Q. South Carolina doesn't have an
3 apprenticeship program.

4 A. Well, I don't -- I just do whatever I can
5 to help them. I don't touch clients. I don't --
6 you know, I set up their stations. I clean up. I
7 do things like that. I just work with whoever I
8 can in the salon.

9 Q. But are you actually -- are you working
10 on clients?

11 A. No. No, ma'am.

12 Q. Okay. Please be certain that you don't
13 do that.

14 A. Yes. I don't touch anyone.

15 Q. That would throw a kink in --

16 A. Yes. Now, I don't --

17 Q. -- the process.

18 A. -- I don't touch anyone.

19 Q. We don't want any kinks in the process.

20 A. No, no, no. It's taken so long.

21 MS. TAYLOR: From my
22 understanding, with someone with an expired license
23 for that length of time, they start off as if they
24 were a new applicant.

25 MS. THOMPSON: New applicant,

1 meaning?

2 MS. RODGERS: Do you do refresher?
3 Does she have to do a refresher course? This is
4 cosmetology?

5 MS. TAYLOR: State never required
6 refresher.

7 MS. RODGERS: I'm sorry?

8 MS. TAYLOR: We required refresher
9 courses.

10 MS. THOMPSON: Right. I guess
11 terminology here. New applicant, meaning -- and I
12 think Dean's looking for legal guidelines here. I
13 guess my question was, as if she had never been
14 licensed anywhere, where she has to -- as if she
15 were a graduating student, providing that amount of
16 information? Or is there a different new applicant
17 procedure for previously-licensed -- I really don't
18 -- I know we in South Carolina have -- as a new
19 student, if you haven't been licensed in 24 months,
20 then that education is null and void. I know that
21 we have if your license has been expired for three
22 years, you have to sit for the exam again. But
23 other than that, where it's applying to an out-of-
24 state, I don't know how that works.

25 MS. WIDER: In (inaudible), we just

1 treat them as coming in with no license.

2 (Off-the-record discussion.)

3 MS. RODGERS: Where are you
4 currently working?

5 THE WITNESS: At Salon Dimensions in
6 Lancaster, South Carolina.

7 Q. Okay. I'm reading your letter here and I
8 understand your situation, and I understand exactly
9 what you mean with each person within the salon
10 being an independent contractor. But if you are --
11 how are you paid? And I don't mean --

12 A. I don't have a guarantee pay. I'm more
13 or less, the girls just kind of tip me.

14 Q. So you're paid, just tipped out --

15 A. I just get tipped.

16 Q. -- cash.

17 A. Uh-huh.

18 MR. GRIGG: Ms. Smith, one of the
19 board members, Ms. Rodgers, just brought it to my
20 attention that she knows of you and the place you
21 work. So she can continue, obviously, in an
22 unbiased and fair manner to you, but we have to
23 ask: Are you good with her continuing --

24 THE WITNESS: Yes.

25 MR. GRIGG: -- a voting member of

1 the board?

2 MS. RODGERS: Because I can step
3 away.

4 MR. GRIGG: Thank you.

5 (Off-the-record discussion.)

6 MS. TAYLOR: Madam Chair, Malinda
7 just text me back and we don't have any other
8 documents.

9 MS. THOMPSON: Okay. Thank you.

10 THE WITNESS: I'm sorry. You said
11 you don't have my license?

12 MS. TAYLOR: We don't have any other
13 documents other than what --

14 MS. THOMPSON: We have a copy of
15 what you sent in from New Jersey from '95 or '96 to
16 2000.

17 THE WITNESS: Okay.

18 MS. THOMPSON: We were looking for a
19 detailed transcript, perhaps --

20 THE WITNESS: Like the training
21 affidavit? Is that what you're referring to? If
22 that is what you're referring to, the school that I
23 attended is no longer -- offers what I took. It's
24 now just a high school. I actually took the night
25 program after I had already graduated from my high

1 school, which was Newt High School. So they don't
2 -- they don't offer what they did for me. That
3 program, they no longer offer it. There was
4 nothing they could fill out for me.

5 Q. How long have you lived in South
6 Carolina?

7 A. I've been here since 2000.

8 Q. So you moved here in 2000. How long have
9 you been working as an assistant at any salon?

10 Have you been --

11 A. Well, I took a huge lapse because --

12 Q. Right.

13 A. -- when we first moved here, I had
14 children. And did not plan to have them as quickly
15 as we got here, but with it just being my husband
16 and I, I was a stay-at-home mom until my youngest
17 went to school. So she went to school not this --
18 she's in first grade now. So I started -- she went
19 to kindergarten, I -- I started looking. So I've
20 been at Salon Dimensions about 2010, October of
21 2010.

22 Q. Okay.

23 MS. RODGERS: I make a motion we go
24 into executive session.

25 MS. WEBB: Second.

1 MS. THOMPSON: To garner legal
2 advice?

3 MS. RODGERS: Absolutely.

4 MS. THOMPSON: I have a motion to
5 enter executive session to garner legal advice. I
6 have a second. Is there any further discussion?

7 (NO RESPONSE.)

8 MS. THOMPSON: Hearing none, all in
9 favor, signify by saying aye.

10 BOARD MEMBERS: Aye.

11 MS. THOMPSON: Opposed? Motion
12 carries. Ms. Smith, we need to enter into
13 executive session with our advice counsel.

14 THE WITNESS: Okay.

15 MS. THOMPSON: Everyone will be
16 asked to leave the room. Then we will come back
17 and at that point, we will make a decision.

18 THE WITNESS: Okay.

19 MS. THOMPSON: Okay?

20 (Executive Session.)

21 MS. THOMPSON: At this time I'll
22 entertain a motion to come out of executive
23 session.

24 MS. RODGERS: Make a motion to come
25 out of executive session.

1 MS. WEBB: Second.

2 MS. THOMPSON: I have a motion and a
3 second to come out of executive session. Is there
4 any further discussion?

5 (NO RESPONSE.)

6 MS. THOMPSON: Hearing none, all in
7 favor, signify by saying aye.

8 BOARD MEMBERS: Aye.

9 MS. THOMPSON: Opposed? The motion
10 carries. We're back in public session. And for
11 the record, there were no motions made or votes
12 taken during executive session. We are back to the
13 matter of Christine Smith. At this time, do I have
14 a motion from a board member as to the disposition
15 of this application?

16 MS. CURTIS: Madam Chair, I'd like
17 to make a motion to deny, being that it's been 11
18 years since she has had her license. I would
19 recommend that she goes back and starts all over as
20 far as training goes and obtain her 1200 hours here
21 in South Carolina and her NIC testing.

22 MS. THOMPSON: I have a motion to
23 deny approval of application for licensure for
24 Christine Smith due to the time lapsed between her
25 previous license in another state; that's correct?

1 MS. RODGERS: Correct.

2 MS. THOMPSON: Okay. So the motion
3 is deny licensure. Do I have a second?

4 MS. NYE: Second.

5 MS. THOMPSON: I have a motion and a
6 second. Is there any further discussion?

7 (NO RESPONSE.)

8 MS. THOMPSON: Hearing none, all in
9 favor, signify by saying aye.

10 BOARD MEMBERS: Aye.

11 MS. THOMPSON: Opposed? Motion
12 carries. The decision that we announced today
13 expresses only the basic element of our ruling in
14 this case. Counsel or staff will prepare a
15 document that more fully expresses the conclusions
16 in the appropriate language and format the board
17 has traditionally used.

18 Ms. Smith, the board has voted to deny your
19 application for licensure because it's been so long
20 since you've had a current, valid license. We're
21 more than happy to give you a list of the approved
22 schools in South Carolina, so that you can enroll
23 in school if you so chose, to work toward getting a
24 license in South Carolina.

25 THE WITNESS: Okay.

1 MS. THOMPSON: Okay? Thank you.

2 THE WITNESS: Thank you.

3 *****

4 MS. THOMPSON: Next on the agenda,
5 last name V-E-L-E-Z.

6 (The witness is sworn in.)

7 MS. THOMPSON: This hearing is
8 called to order. This is the matter of Jeannette
9 Velez. The purpose of this hearing is to determine
10 whether the applicant should be granted a license
11 as a esthetician. Everyone is reminded that these
12 proceedings are being recorded and that all
13 witnesses must be sworn before they testify. All
14 remarks should be directed to the chair.

15 Mr. Ray, is the complete application package
16 in our material?

17 MR. RAY: Yes, ma'am.

18 MS. THOMPSON: And what question did
19 staff have pertaining this application?

20 MR. RAY: On this application, we
21 received a Addison online high school diploma
22 first, and there was question. And then all of a
23 sudden, GED shows up.

24 MS. THOMPSON: I'm sorry, I didn't
25 understand. You're questioning an online, and then

1 what did you say?

2 MR. RAY: Then a GED appears later.

3 MS. THOMPSON: GED, okay. Thank
4 you. Did staff subpoena anyone to be here today?

5 MR. RAY: No, ma'am.

6 MS. THOMPSON: The applicant is
7 present. Ms. Velez, do you have an attorney with
8 you today?

9 THE WITNESS: No.

10 MS. THOMPSON: Would you like an
11 attorney?

12 THE WITNESS: No.

13 DIRECT EXAMINATION OF JEANNETTE VELEZ

14 BY MS. THOMPSON:

15 Q. So we have your application for an
16 esthetic license in South Carolina.

17 A. Yes.

18 Q. Do you currently have a license anywhere
19 else?

20 A. No.

21 Q. No, all right. Can you help us
22 understand, did you obtain a GED? Or did you go to
23 an online high school course?

24 A. I did the GED in 2005. But when I
25 enrolled to the school, I -- I was back and forth

1 with moving a lot from South Carolina and another
2 part. And then I lost a lot of papers. And when I
3 enrolled to the school last year, to Lacy's
4 Cosmetology, they asked me for a GED, and I didn't
5 find the papers. So I thought it was easier to get
6 it online. So I did it online. They didn't say
7 anything; they took it. So I never thought it's
8 going to be a problem. But I received a letter
9 from the board that it was from the internet, so it
10 wasn't valid. So, fortunately, they sent me the
11 letter on the holidays, so I was trying to go to
12 the places that I was moving, trying to find the
13 papers. And I finally find a copy of the GED, and
14 that's what I send.

15 Q. Where did you complete your GED course?

16 A. In Charleston.

17 Q. And the copy that we have of that, you
18 found and you were able to submit that? Or did you
19 have to contact Charleston --

20 A. No, no, I found it.

21 Q. You found it.

22 A. Uh-huh.

23 MS. WEBB: Do you have the GED?

24 THE WITNESS: Yeah, yeah, yeah, I --
25 I do have it. But I did it online because --

1 MS. THOMPSON: She has both. She
2 has both, actually.

3 THE WITNESS: -- it was lost.

4 MS. WEBB: So she has a GED and she
5 has -- right, I see the Addison.

6 MS. THOMPSON: So the question
7 became two submissions for proof of high school
8 education from two different sources arriving
9 separately; is that correct?

10 MS. TAYLOR: That was one of the
11 questions. The first question arrives because the
12 online school was a correspondence school.

13 MS. THOMPSON: Okay. But if we take
14 that and we forget that, the fact that she has --
15 have we verified that the South Carolina GED is
16 valid and accurate and correct? So at this point,
17 we can throw away Addison High --

18 MS. WEBB: Okay.

19 MS. THOMPSON: -- and only look at
20 this GED.

21 MS. TAYLOR: Okay.

22 MS. THOMPSON: Other than that, were
23 there any other problems or complications?

24 MS. TAYLOR: No.

25 MS. THOMPSON: Okay. So we have

1 verified that her esthetic training is up to par?

2 MS. TAYLOR: Yes.

3 MS. THOMPSON: Has she tested?

4 MS. TAYLOR: Yes, she has.

5 MS. THOMPSON: Passed?

6 MS. TAYLOR: Yes.

7 MS. THOMPSON: So at this point,
8 there are no other requirements in our regs that
9 she has not met.

10 MS. TAYLOR: Correct.

11 MS. THOMPSON: Okay.

12 MS. WEBB: Madam Chair, I make a
13 motion to approve.

14 MS. RODGERS: And I second.

15 MS. THOMPSON: The motion and a
16 second to approve licensure for Jeannette Velez.
17 Any other further comment or discussion?

18 (NO RESPONSE.)

19 MS. THOMPSON: Hearing none, all in
20 favor, signify by saying aye.

21 BOARD MEMBERS: Aye.

22 MS. THOMPSON: Opposed? The motion
23 carries. You're approved for licensure.

24 THE WITNESS: Thank you.

25 *****

1 MS. THOMPSON: And next it's xxiv,
2 Ciel. Last name D-O-A-N.

3 (The witness is sworn in.)

4 MS. THOMPSON: This hearing is
5 called to order. This is the matter of first name
6 T-H-U-Y, last name D-O-A-N. The purpose of this
7 hearing is to determine whether the applicant
8 should be granted a license as a cosmetologist.
9 Everyone is reminded that these proceedings are
10 being recorded and that all witnesses must be sworn
11 before they testify. All remarks should be
12 directed to the chairman.

13 Mr. Ray, is the complete application packet in
14 our materials?

15 MR. RAY: Yes, ma'am.

16 MS. THOMPSON: And what question did
17 staff have concerning the application?

18 MR. RAY: Question about the out-of-
19 state school, as well as the training affidavit.

20 MS. THOMPSON: And did staff
21 subpoena anyone to be here?

22 MR. RAY: No, ma'am.

23 MS. THOMPSON: And the applicant is
24 present. Ms. Doan, do you have a lawyer with you
25 today?

1 THE WITNESS: No, ma'am.

2 MS. THOMPSON: Would you like a
3 lawyer?

4 THE WITNESS: No, ma'am.

5 MS. THOMPSON: Okay.

6 DIRECT EXAMINATION OF VY MINH THUY DOAN

7 BY MS. THOMPSON:

8 Q. Are you currently licensed in another
9 state?

10 A. No, ma'am.

11 Q. You are not.

12 A. No.

13 Q. Have you been licensed in another state?

14 A. I never.

15 Q. Never been licensed in another state.

16 And where did you go to school?

17 A. Flavio Beauty College in California.

18 Q. In California.

19 A. Yes, ma'am.

20 Q. And when were you in school?

21 A. It was in February 2009 until November
22 2009.

23 MS. THOMPSON: The question that
24 staff had pertaining to the proof of training
25 document, it's incomplete.

1 MS. TAYLOR: Yeah.

2 MS. THOMPSON: Was that the
3 question?

4 MS. TAYLOR: Well, the training
5 affidavit that we have is handwritten and is only
6 -- she wrote in her hours.

7 MS. THOMPSON: Right. And it's not
8 signed.

9 MS. TAYLOR: Yes.

10 MS. THOMPSON: Okay. Did we request
11 a corrected or an amended copy? Or at any point
12 whatsoever did we notify Ms. Doan that that was the
13 problem, to see if there was -- or is this the
14 first time that she's made aware of what the
15 problem is?

16 MS. TAYLOR: I do believe she was.
17 I see Byron's -- for me. I do not remember
18 exactly.

19 MS. THOMPSON: Okay.

20 MR. RAY: Yes, ma'am. A deficiency
21 letter was mail out in November and enclosed
22 training document --

23 THE WITNESS: Yeah. I send it
24 first, and like somehow it didn't get here. And
25 then I came here with the paper. I hand it to, I

1 don't remember, whoever. And then we call --

2 MS. TAYLOR: Is this the paper
3 you're referring to?

4 THE WITNESS: No. The other paper,
5 you send it to me, without my signature.

6 Q. Ms. Doan, could I ask you, you were made
7 aware that there was a signature missing on the
8 affidavit, your training schedule.

9 A. Yeah.

10 Q. And you're saying that you sent a new
11 copy. But where my question would happen is did
12 you call your school in California and ask for a
13 new copy?

14 A. Yes, ma'am.

15 Q. And then sign it --

16 A. Yeah.

17 Q. -- and --

18 A. Yes.

19 Q. Did you sign the second copy in front of
20 a notary or anyone? Or did you come here and sign
21 it?

22 A. They the school they -- they put another
23 in it because it like so far away, I couldn't --

24 Q. I'm sorry, they put a notary in the what?

25 A. In the back of the paper and stuff.

1 Q. So they notarized it before you signed
2 it, because it was so far away?

3 A. Yeah.

4 Q. Okay. And that was --

5 A. That -- that -- that not the paper she --

6 Q. Right. She doesn't have the one that
7 you've signed. I realize that we're missing a copy
8 at this point.

9 A. Yeah.

10 Q. Okay.

11 A. And then I sent it back and somehow you
12 guys couldn't get it.

13 Q. Was it ever returned to you in the mail?
14 Did it come back --

15 A. It wasn't returned to me, though. That's
16 why I wondering. And I -- I calling and -- and
17 like come in here with my paper, with my signature
18 on that. And she wasn't here, so I hand it for the
19 other lady. And she said, like Okay. Whenever she
20 come back from her lunch break she -- she going to
21 call me and confirm. And then the next day, she
22 called me back and she said like she got it back.
23 And a couple weeks later, I got the letter to ask
24 me to come here to see you guys.

25 MS. TAYLOR: The training document

1 that she's referring to is just the proof of
2 training form from California. It doesn't have a
3 breakdown of her hours. That's the last document
4 that was received. And that was received February
5 7th.

6 THE WITNESS: Yeah, probably
7 that.

8 MS. THOMPSON: February 7th of 2012?

9 MS. TAYLOR: 2012, yes.

10 MS. THOMPSON: Okay. And that
11 actually is the one I'm referring to that is
12 incomplete because it's not signed.

13 MS. TAYLOR: It's actually this
14 document.

15 THE WITNESS: Yeah.

16 MS. THOMPSON: Is yours signed by
17 the applicant, the student? Under student
18 signature, is that one signed?

19 MS. TAYLOR: It is not.

20 MS. THOMPSON: Did we ever have on
21 record a breakdown?

22 MS. TAYLOR: It's not -- however, I
23 do have another one that she did find. But, again,
24 it doesn't have a breakdown of the hours, except
25 for the handwritten document.

1 MS. THOMPSON: Are we familiar at
2 all with this Flavio Beauty College? Have we had
3 enough dealings with applicants from that
4 particular college that we're familiar with their
5 policies and procedures?

6 MS. TAYLOR: We have had other
7 students from there. I can't say that I am
8 familiar with them.

9 MS. THOMPSON: Okay.

10 MS. TAYLOR: At this point I don't
11 know if it is on the list that Jessica had
12 compiled.

13 MS. THOMPSON: Maybe we should add
14 that to our checklist. Because if it's the policy
15 of this particular school to handwrite all items,
16 then it would be nice for all of us to know that,
17 so that we don't spend enough time deliberating as
18 to whether or not that's valid and accurate or not.

19 (Off-the-record discussion.)

20 MS. CURTIS: Did you get your
21 license in California?

22 THE WITNESS: No. I just take -- go
23 to school out here. And like something happened,
24 so I couldn't take the test over there, so I come
25 back to South Carolina.

1 MS. CURTIS: Okay. You could not
2 take the test in California.

3 THE WITNESS: Just because family
4 problems, I couldn't stay in California anymore.
5 And so I come back South Carolina, and so I didn't
6 take it. If I could I already taken a license in
7 California.

8 Q. I'm sorry, I didn't understand you.

9 A. I said if I could, I already take -- I
10 have already taken a license at California. But
11 like my family have problem, I have to move away.

12 Q. And you currently live in South Carolina?

13 A. Uh-huh. Yes.

14 MS. CURTIS: Do you have a job lined
15 up?

16 THE WITNESS: No, I don't have any.

17 MS. CURTIS: Do you work now?

18 THE WITNESS: No, I don't. I -- I
19 currently go to school right now.

20 MS. CURTIS: Where are you going to
21 school?

22 THE WITNESS: At Midland Tech,
23 Midland Tech College.

24 MS. CURTIS: Okay. Midland Tech.
25 What are you taking there?

1 THE WITNESS: Accounting there.

2 MS. CURTIS: Accounting?

3 THE WITNESS: Uh-huh.

4 MS. CURTIS: Oh, good for you.

5 Q. Ms. Doan, could I have you help me
6 correct something, possibly?

7 A. Yes, ma'am.

8 Q. Give me the proper order of your name.
9 You have what I see to be four names.

10 A. Yes.

11 Q. Okay. Could you give me the proper order
12 of your name?

13 A. Yeah. It's actually like Doan is my last
14 name; and V-Y is my first name; and T-H-U-Y and M-
15 I-N-H, which is my two middle names.

16 Q. Which one comes first?

17 A. Come first? Let me put it in order. V-Y
18 M-I-N-H.

19 Q. So your name should read, if I'm writing
20 your name V-Y.

21 A. Yeah, it's supposed to be in my license.

22 Q. M-I-N-H T-H-U-Y D-O-A-N.

23 A. Uh-huh.

24 Q. That's the proper order of your name?

25 A. Yes.

1 Q. Okay. We have that incorrect here, and I
2 don't know. Well, it's incorrect on your Flavio
3 also.

4 A. Yes, even in Midland Tech right now, I
5 only put like T-H-U-Y V-Y and my first name --

6 Q. Why don't you correct that for them?

7 A. I correct them many time, and it come all
8 mess up all over again, so I -- I give up.

9 Q. I don't blame you. Bless your heart.

10 MS. THOMPSON: Are there any other
11 questions? If there are not any other questions,
12 is there anyone prepared to make a motion?

13 MS. NYE: I guess her hours,
14 you know, it's not signed or --

15 Q. Ms. Doan, did you go to school eight
16 hours every single day that you were there?

17 A. It's actually like the school is open
18 five days a week. And it's going to be like 8:30
19 in the morning until 10 p.m. from Tuesday to
20 Friday. Oh, no, Tuesday to Thursday. And on
21 Friday to Saturday, going to be like 8:30 in the
22 morning until 5:30 in the evening.

23 Q. So you had a 14 hour day?

24 A. Not really, because you can come late in
25 the morning because like --

1 Q. No, I'm asking -- no, no, no. What did
2 you attend? How many hours each day were you in
3 school?

4 A. Basic -- yeah, basically like eight
5 hours. But I want to stay a little bit longer so I
6 can practice, you know, in the morning.

7 Q. The reason I'm asking is because
8 according to this attendance, it's eight, eight,
9 eight, eight. There is no variance at all.

10 A. Yeah.

11 Q. It says you were there exactly eight
12 hours every day.

13 A. Yeah, because I supposed to be at school
14 eight hours, like -- but they allow me to come
15 early in the morning to practice like on my
16 friends.

17 Q. So even if you were in school ten hours,
18 they only recorded that you were there for eight.

19 A. Yes, ma'am.

20 Q. Or if you were there for four, they still
21 recorded --

22 A. No, no.

23 Q. -- you were there eight.

24 A. No. Have to be -- I -- I can stay more
25 than eight, but I cannot stay less than eight. I

1 **supposed to be --**

2 **Q. But they didn't give you credit for that.**

3 **A. Yeah, because I volunteered to be there.**

4 MS. RODGERS: For eight hours every
5 single day.

6 THE WITNESS: Yeah.

7 MS. RODGERS: But no signature --

8 MR. RAY: She said overage.

9 MS. THOMPSON: She's saying overage.
10 She was required to be there eight, but that she
11 voluntarily decided to stay longer than that, but
12 they didn't --

13 MR. GRIGG: Give credit.

14 MS. THOMPSON: Right. They didn't
15 give her credit for that. They just have simply
16 recorded a blanket "eight" everywhere.

17 THE WITNESS: Yeah, you have to be
18 like at least eight hour every day. But I want to
19 practice more.

20 MS. CURTIS: Madam Chair, I'd like
21 to make a motion, please.

22 MS. THOMPSON: Yes, ma'am.

23 MS. CURTIS: I'd like to make a
24 motion to deny based on the fact that we have
25 documents that have not been notarized or signed,

1 and due to the fact that it is an out-of-state
2 school, we would need to have that.

3 MS. THOMPSON: I have a motion to
4 deny due to incomplete and unsigned documents. Do
5 I have a second?

6 MS. RODGERS: Second.

7 MS. THOMPSON: I have a motion and a
8 second. Is there any further discussion?

9 (NO RESPONSE.)

10 MS. THOMPSON: Hearing none, all in
11 favor, signify by saying aye.

12 BOARD MEMBERS: Aye.

13 MS. THOMPSON: Opposed? The motion
14 carries. Ms. Doan, the board has voted to deny
15 your application for licensure due to some
16 incomplete pieces of information here. You will
17 receive a final order in the language that the
18 board has used previously that gives you a better
19 explanation as to the board's decision today.

20 THE WITNESS: So can I talk to the
21 school to send a more complete documentation?

22 MS. THOMPSON: In the final order
23 that you receive, it will give you -- it will
24 explain to you the proceedings of today, and from
25 that point forward, you can inquire as to the

1 instructions as to what the next step would be
2 available for you.

3 THE WITNESS: Okay.

4 MS. THOMPSON: Okay?

5 THE WITNESS: Thank you, ma'am.

6 MS. THOMPSON: Thank you.

7 *****

8 MS. THOMPSON: And then if my
9 records are correct, C, everyone in the category C
10 has been handled at staff level. So the next thing
11 on the agenda would be election of officers.

12 MS. WEBB: Madam Chair or acting
13 madam chair, I make a motion for Melanie to be
14 chairman. I'm sorry.

15 MS. RODGERS: I second that motion.

16 MS. THOMPSON: Actually, I think the
17 proper procedure is that you make the nomination,
18 which would be that you nominate me. Thank you
19 very much.

20 MS. WEBB: You're welcome.

21 MS. THOMPSON: Are there any other
22 nominations?

23 MS. RODGERS: Melanie Thompson.

24 MS. THOMPSON: Thank you as well.

25 Are there any other nominations?

1 MS. CURTIS: No.

2 MS. THOMPSON: Then I guess there is
3 a vote.

4 MR. GRIGG: If there's no other
5 nominations, close the nominations.

6 MS. THOMPSON: Nominations are
7 closed. All in favor of electing Melanie Thompson
8 as chair, signify by saying aye.

9 BOARD MEMBERS: Aye.

10 MS. THOMPSON: Opposed? The motion
11 carries. Thank you. At this time, we need a
12 nomination for vice chair.

13 MS. RODGERS: I have a nomination
14 for Kathy Webb as the vice chair.

15 MS. CURTIS: Second.

16 MS. THOMPSON: We have a nomination
17 for Kathy Webb as vice chair. Are there any other
18 nominations?

19 (NO RESPONSE.)

20 MS. THOMPSON: Hearing no other
21 nominations, we'll call the nomination process to a
22 close. All in favor of electing Kathy Webb as vice
23 chair, signify by saying aye.

24 BOARD MEMBERS: Aye.

25 MS. THOMPSON: Opposed? The motion

1 carries. Public comment.

2 (Off-the-record discussion.)

3 MS. THOMPSON: The next scheduled
4 meeting for cosmetology is scheduled May 14th.
5 Clarification, are we anticipating a two-day
6 meeting?

7 MR. RAY: On the agenda, as such.
8 But if --

9 MS. THOMPSON: Well, this doesn't
10 say so. It just simply says May 14th, instead of
11 14th and 15th, not that I have.

12 MR. RAY: We've got it set for two.

13 MS. WEBB: It says 14th and 15th.

14 MS. CURTIS: Y'all got it set for
15 two days again?

16 MR. RAY: Well, I was told to make
17 them all two days.

18 MS. THOMPSON: So if there's nothing
19 else --

20 MR. RAY: You'll find that it's
21 differently with the new procedures, we'll --

22 MS. THOMPSON: Meeting adjourned.

23 MS. RODGERS: I make a motion to
24 adjourn.

25 MS. CURTIS: Second.

1 MS. WEBB: And I second.

2 MS. THOMPSON: Anybody have any
3 opposition to that?

4 *****

5 (Whereupon, the meeting/hearings were
6 adjourned at 6:12 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, CECELIA P. ENGLERT, COURT REPORTER AND NOTARY
3 PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE,
4 HEREBY CERTIFY THAT I RECORDED AND TRANSCRIBED THE SOUTH
5 CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION,
6 COSMETOLOGY BOARD HEARINGS ON THE 13TH DAY OF MARCH,
7 2012, AND THAT THE FOREGOING 289 PAGES CONSTITUTE A TRUE
8 AND CORRECT TRANSCRIPTION OF THE SAID HEARINGS.

9 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
10 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
11 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
12 INTERESTED IN SAID CAUSE.

13 I FURTHER CERTIFY THAT THE ORIGINAL OF SAID
14 TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO
15 MALINDA PRESSLEY, SCLLR - COSMETOLOGY BOARD, KINGSTREE
16 BUILDING, 110 CENTERVIEW DRIVE, COLUMBIA, SOUTH
17 CAROLINA, WHO WILL RETAIN THIS SEALED ORIGINAL
18 TRANSCRIPT.

19 IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL
20 THIS 18TH DAY OF APRIL, 2012.

21 _____
22 CECELIA P. ENGLERT, COURT REPORTER
23 MY COMMISSION EXPIRES JUNE 03, 2018
24
25