

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND  
REGULATION

BEFORE THE SOUTH CAROLINA COSMETOLOGY BOARD

MAY 15, 2012

BOARD MEMBERS:

MELANIE THOMPSON, CHAIRMAN

KATHERINE WEBB

CYNTHIA RODGERS

JANICE CURTIS

SELENA BROWN

STEPHANIE NYE

SARA MCCARTHA, ESQUIRE

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 15th day of May, 2012, scheduled for 10:00 a.m. and commencing at 10:01 a.m.

1	CONTENTS:	
2		PAGE
3	Proceedings by Ms. Thompson	3
4	Certificate of Reporter	230
5	Word Index	

6

7

\*\*\*\*\*

8

EXHIBITS

9

10

11 None proffered.

12

13

14

15

16

17

18

19

20

21

22 Court Reporter's note:

23

24 -- indicates interruption; incomplete phrases; trailing

25 off; unfinished sentences

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

9 If we would please rise for the Pledge of  
10 Allegiance.

11 (Pledge of Allegiance is recited.)

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

24 Introduction of board members and all other  
25 persons attending. We'll start in the back left

1 corner of the room, please.

2 MS. PHILLIPS: Before I introduce  
3 myself, I would like to say that I sincerely  
4 apologize to Mr. Ray and everyone else at LLR  
5 yesterday. My frustration with not being able to  
6 inform my licensees got the best of me, and I  
7 certainly do, sincerely mean my apology, Mr. Ray.  
8 I'm Chesley.

9 MR. RAY: Accepted.

10 COURT REPORTER: Everybody needs to  
11 speak loud too.

12 MS. PHILLIPS: Chesley Phillips,  
13 Nail, Skin and Hair of America.

14 MS. LARGE: Colleen Large, S.C.  
15 Aesthetics Association.

16 MS. JENKINS: Bridget Jenkins,  
17 staff.

18 MS. FREEMAN: Courtney Freeman,  
19 Southeastern Esthetics Institute.

20 MS. WALKER: Brandi Walker.

21 MS. HOUGH: Kelsey Hough.

22 COURT REPORTER: What did you say?

23 MS. HOUGH: Oh, I'm sorry. Kelsey  
24 Hough.

25 MS. THOMPSON: Thank you. Let's go

1 back to the back row, please. Sir, if you would  
2 stand up. Thank you.

3 MR. BRYSON: Yes. I'm Carey Bryson.

4 MS. BRYSON: Brandi Bryson.

5 MS. BRAGG: Allie Bragg.

6 MR. WILLIAMS: Steven Williams.

7 MS. LAWSON: Danielle Lawson,  
8 cosmetology instructor.

9 MS. SETTLES: Bernice Settles.

10 MS. STACKS: Karen Stacks.

11 MS. SHULER: Angie Shuler, ACE  
12 Association.

13 MS. TAYLOR: Matteah Taylor, staff.

14 MR. DAWSON: Steven Dawson, Kenneth  
15 Shuler School of Cosmetology.

16 MR. RAY: Byron Ray, staff.

17 MS. BAILEY-GLOVER: Roz Bailey-  
18 Glover, staff.

19 MS. CURTIS: Janice Curtis, board  
20 member.

21 MS. RODGERS: Cindy Rodgers, board  
22 member.

23 MS. MCCARTHA: Sarah McCartha,  
24 advice counsel.

25 MS. THOMPSON: Melanie Thompson,

1 board member.

2 MS. WEBB: Kathy Webb, board member.

3 MS. BROWN: Selena Brown, board  
4 member.

5 MS. NYE: Stephanie Nye, board  
6 member.

7 MS. ENGLERT: Ciel Englert, court  
8 reporter. And, Madam Chair, if you could tell  
9 everybody to make sure that they've signed in  
10 legibly.

11 MS. THOMPSON: We need everyone to  
12 please make sure that you sign in at the sign-in  
13 sheet to the right of the room. Please make sure  
14 that you print legibly, so that we can have it for  
15 the record. And, sir, in the red and white striped  
16 shirt that just came in, would you please just  
17 state your name for the record?

18 MR. NGUYEN: Vinson Nguyen.

19 MS. THOMPSON: Okay. Thank you.  
20 Approval of excused absences. I don't believe that  
21 we have any. Approval of agenda.

22 MS. WEBB: Madam Chair, I make a  
23 motion to approve the agenda with any deviations  
24 deemed necessary.

25 MS. BROWN: I second that motion.

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. Old business. Application review, Phoebe  
9 Nguyen.

10 MS. MCCARTHA: She's not here.

11 MS. THOMPSON: Right.

12 MS. MCCARTHA: Yeah. This is a  
13 paper-only review. And I'm going to pass out to  
14 y'all just because we spoke to Melanie and agreed  
15 ahead of time that it was an unusual and  
16 exceptional situation where the applicant did not  
17 need to appear in person. But since she is not  
18 present, her attorney has forwarded me a brief  
19 introduction, so I'm just going to pass that out to  
20 y'all.

21 MS. THOMPSON: Do I need to read  
22 this for the record?

23 MS. MCCARTHA: You can, if you'd  
24 like.

25 MS. THOMPSON: "Dear board members,

1           thank you for your time. As you know, I was  
2           previously required to appear before you at great  
3           cost and time away from my young children,  
4           including a newborn, and business, as per the  
5           instructions of the department at the time.  
6           Accordingly, I would like to take this opportunity  
7           to thank you very much for allowing my application  
8           to proceed to this stage of review without  
9           requiring me to incur the additional expense or to  
10          take additional time away from my family and  
11          business to be there in person.

12                 I remain hopeful that after many months of  
13          hard work and expense, and with your staff's  
14          helpful assistance, that my application can now  
15          finally be approved without further delay. Thank  
16          you very much for your time and thoughtful  
17          consideration of my completed application. Very  
18          truly yours, Phoebe Nguyen."

19                 Just as a brief overview of the situation, Ms.  
20          Nguyen appeared at the board meeting in November.  
21          And in your packet, you should be able to determine  
22          that because you should have multiple pages. I  
23          went back and reviewed the Granicus because I  
24          really just didn't recall the situation.

25                 She was applying for, I believe, endorsement.

1 She came to the board meeting. She had been  
2 requested to provide additional information. There  
3 were questions that staff had regarding the  
4 application. They had asked Ms. Nguyen to provide  
5 the information to them. In our 14-day time line,  
6 she did not. She came to the board meeting and  
7 because we didn't have any information, we deemed  
8 it an incomplete packet and we denied her  
9 application.

10 She, as I said, lives in California and she's  
11 seeking a license in South Carolina. So you can go  
12 through and read through. And I'm not sure, Sarah,  
13 if we need staff to present this information to us  
14 or how this should necessarily proceed.

15 MS. MCCARTHA: Mr. Ray, is this a  
16 complete application?

17 MR. RAY: Yes, ma'am.

18 MS. MCCARTHA: Was this an  
19 application for endorsement? Or is it a new  
20 application entirely?

21 MR. RAY: Endorsement from  
22 California.

23 MS. THOMPSON: And I know I've seen  
24 at one point and, honestly, it's probably in here,  
25 but there's so many pages now. There's a detailed

1 report of staff notes; is there not, outlining the  
2 questions that staff had? Or has that just been --

3 MS. MCCARTHA: What questions did  
4 staff have on this application, Byron?

5 MR. RAY: It was the proof of the  
6 tenth grade education. Back when they were using  
7 the ATB, she send some results that weren't in the  
8 normal format. So we had some back and forth on  
9 that one. I believe her attorney, Mr. Winter, had  
10 her to go and re-test, and she took the compass  
11 exam.

12 MS. WEBB: Madam Chair, may I ask a  
13 question?

14 MS. THOMPSON: Sure.

15 MS. WEBB: When I was looking over  
16 this, what is a compass? I mean, maybe I'm really  
17 in the dark, but I don't understand what the  
18 Compass/T-A-B-E Concordance Analysis Report is.

19 MS. MCCARTHA: What we did when we  
20 received this information on the staff level was  
21 contact the organization responsible for coming up  
22 with the tests and whatnot. It's a group -- it's  
23 called the A-T-T. I mean, you may have heard of an  
24 ATT test. It's very similar to like an SAT test.

25 So we contacted them to get some more

1 information, and they did the conversation tables  
2 and whatnot. It does, per these results, show that  
3 she has more than a tenth grade education.

4 MS. THOMPSON: Compass is basically  
5 a company. There are multiple companies that  
6 administer an ATB or --

7 MS. MCCARTHA: A tenth grade  
8 equivalent.

9 MS. THOMPSON: Right. Some type of  
10 test.

11 MS. RODGERS: Who gives an ATB?

12 MS. THOMPSON: It can be given --  
13 most of the time it's like the SAT. They're given  
14 in universities or colleges. However, there are  
15 exceptions made per each company. The school or  
16 the business who would want to administer it has to  
17 go through an application process and be approved  
18 and be assigned a vendor number, so to speak, to be  
19 able to offer the exam.

20 MS. RODGERS: Is there a certain  
21 amount of people that are in this group for  
22 testing? Or what are they testing? It's just the  
23 academic level? Is that what --

24 MS. BROWN: All of them.

25 MS. MCCARTHA: Yeah, I think if you

1 looked at the test, it has a reading score, a pre-  
2 algebra and an algebra score and a writing score.

3 MS. THOMPSON: Are you asking how  
4 many people can take the test at one time?

5 MS. RODGERS: Yeah.

6 MS. THOMPSON: That probably varies,  
7 depending on the location.

8 MS. RODGERS: Okay.

9 MS. THOMPSON: It's just like your  
10 SAT. You know, they have a designated day or  
11 designated time, and then first-come, first-serve  
12 and signing up on taking that particular day. I  
13 would imagine it works somewhat similar to that,  
14 but --

15 MS. RODGERS: Is she -- and I  
16 might be looking at this wrong, so just correct me.  
17 But she's currently licensed in California, right?

18 MS. THOMPSON: Uh-huh.

19 MS. RODGERS: Shows a driver's  
20 license in California.

21 MS. MCCARTHA: She currently is a --  
22 Mr. Ray, what is the status for cosmetology license  
23 in California?

24 MR. RAY: It was current at the time  
25 of application for California.

1 MS. RODGERS: But she's wanting --  
2 she's trying to get licensed in South Carolina, but  
3 she's in California; is that what you're telling  
4 me?

5 MR. RAY: Correct. Yes, ma'am.

6 MS. RODGERS: That's cross-country;  
7 isn't it?

8 MR. RAY: It is to me.

9 MS. WEBB: Do we know -- and maybe  
10 it doesn't matter -- is she moving here?

11 MS. THOMPSON: Well, I mean, we  
12 can't require that someone have to live in the  
13 state to have a license. I mean, our regulations  
14 and statutes don't -- we have a provision in there  
15 that says if they establish residency, then they  
16 just have to do this, this and this, and it's  
17 basically a fast-passing and there's no delays. If  
18 they don't, they still are able to obtain a  
19 license. We just require that they have to submit  
20 certain documents in order to do so. So there's  
21 really nothing prohibiting her from living in  
22 California and having a South Carolina license.

23 MR. RAY: Madam Chair, if I may  
24 enlighten the board members. In earlier  
25 conversations months ago when we spoke over the

1 phone, she said she had a friend that had a salon  
2 here that she wanted to try and move here to work  
3 in her friend's salon.

4 MS. WEBB: Does she plan on moving?

5 MS. RODGERS: I think what's  
6 happening with me and Kathy is, we know having a  
7 business, how hard it is to build a business. So  
8 how do you have a business --

9 MS. WEBB: Yeah.

10 MS. RODGERS: -- living in --

11 MS. WEBB: Why do you --

12 MS. RODGERS: -- California and  
13 South Carolina? I mean, that's just my thoughts.  
14 I'm not real clear on this.

15 MR. RAY: Like I said, in my  
16 conversations with her, it was understood that she  
17 would move here, to live here and work out of her  
18 friend's salon.

19 MS. RODGERS: So she would move here  
20 from California.

21 MR. RAY: Yes, ma'am. It's been  
22 quite some time ago.

23 MS. THOMPSON: Could I ask one of  
24 the board members make a motion to go into  
25 executive session for legal advice?

1 MS. RODGERS: I make a motion for an  
2 executive session.

3 MS. WEBB: Second.

4 MS. THOMPSON: I have a motion and a  
5 second to enter into executive session. Any  
6 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. If we could clear the room, please, as we  
13 enter our executive session.

14 (Executive Session.)

15 MS. WEBB: Madam Chair, I make a  
16 motion to come out of executive session.

17 MS. THOMPSON: I have a motion. Do  
18 I have a second?

19 MS. RODGERS: Second.

20 MS. THOMPSON: Have a motion and a  
21 second. Any further discussion?

22 (NO RESPONSE.)

23 MS. THOMPSON: Hearing none, all in  
24 favor, signify by saying aye.

25 BOARD MEMBERS: Aye.

1 MS. THOMPSON: Opposed? Motion  
2 carries. For the record, there were no motions  
3 made or votes taken during executive session. At  
4 this time, I will entertain a motion as to the  
5 disposition of the review of application for Phoebe  
6 Nguyen.

7 MS. CURTIS Madam Chair, I'd like  
8 to make the motion to deny, based on concerns that  
9 I have relating to test results.

10 MS. THOMPSON: I have a motion to  
11 deny the application, based on concerns with test  
12 results. Do I have a second?

13 MS. RODGERS: I have a second.

14 MS. THOMPSON: A motion and a  
15 second. Any further discussion?

16 (NO RESPONSE.)

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

19 BOARD MEMBERS: Aye.

20 MS. THOMPSON: Opposed?

21 MS. NYE: Opposed.

22 MS. THOMPSON: I need to call for  
23 the vote. All in favor of the motion, signify by  
24 saying aye.

25 MS. RODGERS: Aye.

1 MS. THOMPSON: A name, please.

2 MS. RODGERS: Cindy Rodgers.

3 MS. CURTIS: Janice.

4 MS. WEBB: Kathy Webb.

5 MS. THOMPSON: Okay. And the nays?

6 MS. BROWN: Selena Brown.

7 MS. NYE: And Stephanie Nye.

8 MS. THOMPSON: The motion carries.

9 Okay. If anyone has entered into the meeting that  
10 wasn't here at the very beginning, please be  
11 certain that you sign in. There's a sign-up sheet  
12 to my right, against the wall. Please be sure that  
13 you print legibly, so that we can have it entered  
14 into the record.

15 If you're going to be appearing before the  
16 board, when you come forward, you're going to be  
17 asked to provide your identification; that's your  
18 driver's license. We need government-issued photo  
19 I.D. You'll present it to Ciel, who is our court  
20 reporter. Then she's going to ask to swear you in,  
21 okay, just so you can be prepared if you're up on  
22 the agenda.

23 First up is Steven Williams.

24 COURT REPORTER: It's good, Madam  
25 Chair, and it expires 2021.

1 MS. THOMPSON: Thank you. Mr.  
2 Williams, if you'll just raise your right hand and  
3 let Ciel swear you in, please.

4 (The witness is sworn in.)

5 MS. THOMPSON: This hearing is  
6 called to order. This is the matter of Steven  
7 Williams. Does any board member have reason to  
8 recuse herself from consideration of this  
9 application?

10 BOARD MEMBERS: No.

11 MS. THOMPSON: The purpose of this  
12 hearing is to determine whether the applicant  
13 should be granted a license as a cosmetologist.  
14 Everyone is reminded that these proceedings are  
15 being recorded and that all witnesses must be sworn  
16 before they testify. All remarks should be  
17 directed to the chairman.

18 Mr. Ray, is the complete application packet in  
19 our materials?

20 MR. RAY: Yes, ma'am.

21 MS. THOMPSON: And what questions  
22 did staff have concerning the application?

23 MR. RAY: The application could not  
24 be approved at staff level due to felonies on his  
25 criminal background report.

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

3 MR. RAY: No, ma'am.

4 MS. THOMPSON: And the applicant is  
5 present. Mr. Williams, did you bring an attorney  
6 with you today?

7 THE WITNESS: No, ma'am.

8 MS. THOMPSON: Would you like an  
9 attorney?

10 THE WITNESS: No, ma'am.

11 MS. THOMPSON: Is there anyone else  
12 here today that will be speaking on your behalf?

13 THE WITNESS: No, ma'am.

14 MS. THOMPSON: Okay. Are you  
15 prepared to give us some information to answer the  
16 questions that staff had on your application about  
17 your arrests?

18 THE WITNESS: Yes, ma'am. That's  
19 fine.

20 MS. THOMPSON: Okay. Tell us about  
21 -- let's see, according to what I have here, your  
22 most recent arrest was 2007 --

23 THE WITNESS: Yes.

24 MS. THOMPSON: -- is that correct?  
25 Tell me about that one.

1 THE WITNESS: I'm not exactly sure  
2 of what it was for.

3 MS. THOMPSON: Okay. Let me get to  
4 that report. I might be able to help you. One  
5 second. Let's see, looks like it's the possession  
6 of stolen vehicle.

7 THE WITNESS: Yes, ma'am.

8 MS. THOMPSON: Tell me about  
9 all that.

10 THE WITNESS: At the time, I believe  
11 I was maybe 16 or 17 when this incident actually  
12 happened. And I was tried later on. And it was  
13 actually a family dispute with a family member.  
14 And pretty much, it just went south with that.

15 MS. THOMPSON: Okay.

16 THE WITNESS: And that's how all of  
17 that came about.

18 MS. THOMPSON: And you were  
19 convicted of that. Did you serve time?

20 THE WITNESS: Yes, ma'am, I did.

21 MS. THOMPSON: How long?

22 THE WITNESS: I believe six months.

23 MS. THOMPSON: Okay. Were you on  
24 probation?

25 THE WITNESS: Yes and no. It was

1 actually like a juvenile facility. I went to like  
2 an --

3 MS. MCCARTHA: You were in the YOA,  
4 the youthful --

5 THE WITNESS: Yes.

6 MS. MCCARTHA: -- offender  
7 program?

8 MS. THOMPSON: Thank you for telling  
9 me what that was. I couldn't think of --

10 COURT REPORTER: Sarah, I didn't  
11 hear what you said.

12 MS. MCCARTHA: This gentleman was in  
13 the youthful offender program.

14 COURT REPORTER: Can you give me  
15 those initials that you said before? U something.

16 MS. MCCARTHA: YOA.

17 MS. THOMPSON: How old are you now?

18 THE WITNESS: Twenty-three.

19 MS. THOMPSON: Okay. And so this  
20 was --

21 MS. CURTIS: It's not a juvenile  
22 charge, so it must have been what? 18? 19?

23 MS. THOMPSON: No. It says --

24 THE WITNESS: I was --

25 MS. THOMPSON: -- YOA, YOA under

1 everything.

2 THE WITNESS: -- 17.

3 MS. CURTIS: Seventeen?

4 THE WITNESS: Yes, ma'am.

5 MS. MCCARTHA: That's not strictly  
6 a juvenile program.

7 MS. RODGERS: Oh, it's not?

8 MS. MCCARTHA: No, it's not.

9 MS. RODGERS: Oh, okay.

10 MS. THOMPSON: It just means  
11 "youth," right?

12 MS. MCCARTHA: Yeah. There's  
13 certain things that you do in this program that's  
14 offered to certain types of defendants, and clearly  
15 he met those qualifications.

16 MS. THOMPSON: Okay. But unless I'm  
17 looking -- unless I'm not seeing this correctly --  
18 and I know that these charges go back six years or  
19 so, but I see grand larceny. I see stolen vehicle.  
20 I see stolen vehicle. I see -- it seems to be  
21 repetition here with the same type crime.

22 THE WITNESS: Yes, ma'am.

23 MS. THOMPSON: So you committed,  
24 essentially, the same type of crime --

25 THE WITNESS: Yes, ma'am, I did.

1 MS. THOMPSON: -- more than once.

2 THE WITNESS: It was -- prior to  
3 that one, all the rest of them was when I was --  
4 the most recent one before that one I was 14, I  
5 believe, and it was just mindless, reckless  
6 decisions.

7 MS. THOMPSON: Okay. So tell me now  
8 -- you said you're 23.

9 THE WITNESS: Yes, ma'am.

10 MS. THOMPSON: Okay. Tell me why  
11 you feel now that you'll be able to not commit  
12 these same offenses again.

13 THE WITNESS: Due to the fact that  
14 I've actually grown and matured in a lot of ways  
15 and like -- like it stated, it was six-some odd  
16 years ago and I haven't had any contact or any form  
17 of disputes with the law or anything. I've been  
18 pretty good about everything that I have been  
19 doing. And doing hair has always been a passion  
20 for -- of mine. And I find joy in it. It -- it  
21 makes me happy to see that I can make other people  
22 happy and I just love doing it. And all -- all I  
23 ask today is that I be granted permission to --

24 MS. THOMPSON: Okay. You've  
25 successfully taken both exams.

1 THE WITNESS: Yes, ma'am.

2 MS. THOMPSON: Do you have a job  
3 waiting on you?

4 THE WITNESS: Yes, ma'am, I do.

5 MS. THOMPSON: You do. Where?

6 THE WITNESS: At Stella Nova.

7 MS. THOMPSON: In Charleston?

8 THE WITNESS: Yes, ma'am.

9 COURT REPORTER: What's the last  
10 name?

11 MS. THOMPSON: Stella Nova.

12 THE WITNESS: Stella Nova.

13 MS. THOMPSON: It's a nice place in  
14 Charleston.

15 MS. WEBB: What made the change?  
16 What made you change? What was it?

17 THE WITNESS: The realization that  
18 -- that it's -- it's not always -- it's -- it's not  
19 fun and it's -- it's not -- it's not a healthy  
20 thing, knowing that something that you did, it can  
21 follow you so long. And knowing that it affects  
22 your life so drastically, and that it limits you to  
23 things that you can do in life. If -- if -- if you  
24 are a smart person, you will see that that's not  
25 something that you should be doing, because you

1 will not be able to move forward in life with  
2 continuing that type of behavior. So I just  
3 learned to like set that aside and just move  
4 forward with my life.

5 MS. THOMPSON: I commend you.  
6 You're very well spoken and I would hope that if  
7 you would ever have the opportunity, you need to  
8 speak to others, youth.

9 THE WITNESS: I -- I actually do.

10 MS. THOMPSON: Good for you.

11 THE WITNESS: I -- I'm with a non-  
12 profit organization and it's called Camp Sand  
13 Hills. It's AMI, Associated Marine Institute. And  
14 I go and I speak to youths about --

15 MS. WEBB: Very good.

16 MS. THOMPSON: Good for you.

17 THE WITNESS: -- the problems that  
18 they have.

19 MS. THOMPSON: You're very well-  
20 spoken and that's why -- I'm glad to know that my  
21 instinct was right and that you're already doing  
22 that. Good for you. Are there any other questions  
23 from board members?

24 MS. BROWN: I'd just like to say I  
25 encourage you to continue to do your very best.

1 THE WITNESS: Yes, ma'am.

2 MS. BROWN: Because you would be a  
3 great asset in our business and a great  
4 representative.

5 THE WITNESS: Thank you.

6 MS. THOMPSON: At this time, is  
7 there a board member prepared to make a motion as  
8 to the disposition of this application?

9 MS. CURTIS: I'd like to make a  
10 motion to approve, please.

11 MS. BROWN: I'll second it.

12 MS. THOMPSON: I have a motion and a  
13 second. 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. The decision we announced today expresses  
20 only the basic element of our ruling in this  
21 case. Counsel or staff for the board will prepare  
22 a document which more fully expresses our  
23 conclusions --

24 MS. MCCARTHA: He's approved, so  
25 he'll just be approved; there won't be an order.

1 MS. THOMPSON: There won't be an  
2 order. I don't need to read that. You're  
3 approved.

4 THE WITNESS: Thank you.

5 MS. THOMPSON: Thank you.

6 \*\*\*\*\*

7 MS. THOMPSON: Brandi Walker.

8 COURT REPORTER: Brandi Walker, and  
9 hers expires 2016.

10 (The witness is sworn in.)

11 MS. THOMPSON: This hearing is  
12 called to order. This is the matter of Brandi  
13 Walker. Does any member of the board have reason  
14 to recuse herself from consideration of this  
15 application?

16 BOARD MEMBERS: No.

17 MS. THOMPSON: The purpose of this  
18 hearing is to determine whether the applicant  
19 should be granted a license as a cosmetologist.  
20 Everyone is reminded the proceedings are being  
21 recorded and that all witnesses must be sworn  
22 before they testify. All remarks should be  
23 directed to the chairman.

24 Mr. Ray, is the complete application packet in  
25 our material?

1 MR. RAY: Yes, ma'am.

2 MS. THOMPSON: And what questions  
3 did staff have concerning the application?

4 MR. RAY: The application could not  
5 be processed at staff level due to a criminal  
6 background submitted with the application.

7 MS. THOMPSON: And did staff  
8 subpoena anyone to be here today?

9 MR. RAY: No, ma'am.

10 MS. THOMPSON: The applicant is  
11 present. Are you presented by attorney today?

12 THE WITNESS: No, ma'am.

13 MS. THOMPSON: Would you like an  
14 attorney?

15 THE WITNESS: No, ma'am.

16 MS. THOMPSON: Is there anyone else  
17 here that will be speaking on your behalf?

18 THE WITNESS: My husband is here.

19 MS. THOMPSON: But will he be  
20 speaking for you?

21 THE WITNESS: He would like to.

22 MS. THOMPSON: Then I'll need him to  
23 step forward, please. State his name for the  
24 record, and also be sworn in.

25 THE WITNESS: Okay. Carey Bryson.

1 MS. THOMPSON: No, he'll need to  
2 step forward.

3 COURT REPORTER: I'll need to see  
4 his license.

5 (The witness is sworn in.)

6 MS. THOMPSON: And, sir, what was  
7 your name?

8 MR. BRYSON: Carey Bryson.

9 MS. THOMPSON: Carey Bryson, okay.  
10 Ms. Walker, looks like there are questions  
11 regarding your application, again due to a SLED  
12 report. If I'm reading this correctly, looks like  
13 the last charge was 2010.

14 THE WITNESS: Yes, ma'am.

15 MS. THOMPSON: And it looks to be a  
16 pretty lengthy one, with the majority being about  
17 fraudulent checks. That's correct?

18 THE WITNESS: Yes, ma'am.

19 MS. THOMPSON: Could you tell me  
20 about that?

21 THE WITNESS: Yes. I have five  
22 minor children. Out of five, my main source of  
23 income has been Social Security. So I try to --  
24 try to schedule my bills around my thing. I  
25 haven't had the accounting skills to balance my

1 checkbook. But since that last incident, I have  
2 taken a course at Asheville University, where I'm  
3 currently a student, will be graduating September  
4 28th of this year, in business management, to  
5 develop skills on how to operate my business and my  
6 personal business.

7 MS. THOMPSON: Okay. So you're  
8 taking business courses, business management. But  
9 how does that relate to trying to in 2010, schedule  
10 your bill payment around receiving your checks?  
11 Did you just, you think you had the money in the  
12 bank and you wrote the checks and you didn't? Or  
13 did you write the checks, knowing you didn't have  
14 the money?

15 THE WITNESS: No, ma'am. My five  
16 year old is a severe asthmatic and she was granted  
17 a back payment of a large lump sum, for me having  
18 to keep her illness with the Disability Board  
19 because her medications was expensive. And at that  
20 time, I was on a certain income, and they told me  
21 that it would hit this day, and it never hit that  
22 day. And I finally just received it in February.

23 MS. THOMPSON: So you anticipated  
24 having money in your account. You wrote out all  
25 your bills.

1 THE WITNESS: Yes, ma'am.

2 MS. THOMPSON: The money never came,  
3 and so then you had fraudulent checks. Is that --

4 THE WITNESS: Yes, ma'am.

5 MS. THOMPSON: Is that right? Okay.  
6 Is that what happened with all of these instances?  
7 Or just the 2010?

8 THE WITNESS: That's basically what  
9 it is. I have two children that receive SSI and --

10 MS. THOMPSON: What is SSI?

11 THE WITNESS: It's supplemental  
12 benefits for children that's disabled.

13 MS. THOMPSON: Okay.

14 THE WITNESS: And they require a lot  
15 of care.

16 MS. THOMPSON: Right.

17 THE WITNESS: So that's the reason  
18 why -- how I was mainly supporting myself, while I  
19 go to school to try to better myself to be able to  
20 support them financially without having instance  
21 with the law.

22 MS. THOMPSON: How old is your  
23 oldest child?

24 THE WITNESS: My oldest is 14.

25 MS. THOMPSON: Okay. So all the way

1 back to '99 --

2 THE WITNESS: Yes, ma'am.

3 MS. THOMPSON: -- where these start,  
4 has that been the situation --

5 THE WITNESS: Yes, ma'am.

6 MS. THOMPSON: -- for all of these?

7 THE WITNESS: Yes, ma'am.

8 MS. THOMPSON: It's been about you  
9 trying to coordinate your finances, waiting on your  
10 payments to take care of your children, and you  
11 write checks out.

12 THE WITNESS: Yes, ma'am.

13 MS. THOMPSON: Okay. So now tell me  
14 how the classes that you're taking -- and I commend  
15 you for trying to further your education in any  
16 field. I mean, that's commendable, especially  
17 being a mother of children and children with  
18 medical problems. How are taking these courses  
19 going to help you be able to better manage  
20 disbursing your finances?

21 THE WITNESS: Since then, I have  
22 taken seeking a second chance thing where they  
23 teach you how to budget and those kind of things  
24 with Community Bank here in Columbia. And right  
25 now I'm -- I'm a licensed writer, so I'm able to

1 make some income to supplement my checks to support  
2 my children.

3 MS. THOMPSON: Okay. And so just  
4 for clarification, none of these charges are  
5 because you fraudulently printed your own checks or  
6 you didn't steal money from anyone. You didn't  
7 steal anyone's identity. You didn't use anyone  
8 else's credit card or anyone else's checkbook.

9 THE WITNESS: No, ma'am. All those  
10 are mine.

11 MS. THOMPSON: Okay. Questions from  
12 the board members?

13 MS. RODGERS: This driving under  
14 suspension is in 2011. So you didn't have license  
15 and you were driving? Or what was the reason for  
16 that one?

17 THE WITNESS: I had endured a short  
18 stay at Department of Corrections. And I believe  
19 it was 2009, if I'm not mistaken. And I had  
20 multiple things that were lingering that I didn't  
21 have prior knowledge to that were lingering,  
22 because my last name has changed. I had -- my  
23 first marriage was abusive. And I pretty much took  
24 risks driving, to try to support my kids and get  
25 myself out of this situation.

1           I -- I've really been scarred tremendously due  
2           to having to take drastic moves with trying to  
3           provide for my children. And since then, I no  
4           longer drive. I'm making restitution and have made  
5           restitution to Department of Motor Vehicles. And I  
6           have receipts that I can provide with the lengthy  
7           amounts that I've been doing payment to them to try  
8           to rectify the situation.

9           MS. RODGERS: Okay. And so I guess  
10          we're talking about the same one. You said '09,  
11          but this one says May 5th, 2011. That's the same?  
12          Is that what you're talking about there?

13          THE WITNESS: Yes, ma'am.

14          MS. RODGERS: It sais '09.

15          THE WITNESS: The -- that particular  
16          case was tried -- was with Judge Shockley because  
17          he was trying to get more information because I had  
18          a lawyer representation at that moment. But he  
19          didn't provide everything, or didn't do his job  
20          accordingly, to represent in my behalf.

21          MS. THOMPSON: I love the way that  
22          you worded that. It made it sound like you're  
23          staying at a resort. "I had a brief stay at the  
24          Department of Corrections." You said you're a  
25          licensed writer, I think is what you said. That's

1 great because --

2 THE WITNESS: Yes, ma'am.

3 MS. THOMPSON: -- you made it sound  
4 great. It made it sound very enjoyable.

5 MS. WEBB: What is the breach of  
6 peace? I don't I mean --

7 MS. THOMPSON: Yeah, what is a  
8 breach of peace charge?

9 THE WITNESS: That was something  
10 that I wasn't convicted of once I went to court.  
11 My special needs child, Mark, which is my oldest,  
12 which is 14, he's ADHD and high function autism.  
13 The kids was bullying him and me and the principal  
14 had some words, and she felt threatened. But I was  
15 a angry parent. I had done went through levels of  
16 writing to the school, trying to schedule meetings,  
17 even went to see the superintendent and was -- my  
18 next level was going to be to the media. But once  
19 I won my case in court, I figured that it would go  
20 ahead and resolve itself, since I wasn't convicted.

21 MS. CURTIS: And the contempt of  
22 municipal court, it's date being December the 16th?

23 THE WITNESS: I was incarcerated, so  
24 -- already, so I couldn't appear, and the  
25 Department of Corrections didn't transport me.

1 MS. CURTIS: So they charged you  
2 with contempt of court?

3 THE WITNESS: Yes, ma'am. They  
4 tried me in my absence because they had me to sign  
5 for certification at Department of Corrections.

6 MS. MCCARTHA: Stranger things have  
7 happened. I don't really know what to say. I  
8 don't know what happened in this situation. It's  
9 certainly something could have happened.

10 MS. THOMPSON: Now, Ms. Walker, how  
11 many brief stays at the Department of Correction  
12 have you had?

13 THE WITNESS: I only had one stay at  
14 the Department of Correction, which was the seven  
15 month -- a six month period, and they ran all my  
16 charges concurrent because I had a state-appointed  
17 legal counsel that worked on my behalf to try to  
18 help me to modify my previous criminal background,  
19 so I can be able to sustain and be a law-abiding  
20 citizen --

21 MS. THOMPSON: Now, when was that?  
22 When did you serve those seven months?

23 THE WITNESS: December -- my begin  
24 incarceration date was July of 2009 -- or was it  
25 2010. Matter of fact, it was July rd of 2010.

1 MS. THOMPSON: Okay. I'm sorry.

2 Could you repeat that?

3 THE WITNESS: It was July 3rd of  
4 2010 was when I was actually incarcerated.

5 MS. RODGERS: How long?

6 MS. THOMPSON: And you stayed --  
7 right.

8 THE WITNESS: Yes, ma'am.

9 MS. THOMPSON: When were you  
10 released?

11 THE WITNESS: I was released  
12 December the 6th, 2010. Yeah, that's right, 2010.

13 MS. THOMPSON: But then this  
14 contempt, it says its offense date, December 16th,  
15 2011. So were you -- you said you were back in  
16 jail is why you couldn't appear there.

17 THE WITNESS: Yes. Uh-huh.

18 MR. BRYSON: Can I speak?

19 MS. THOMPSON: Yes, sure.

20 MR. BRYSON: This was the breach of  
21 peace. They issued a warrant and picked her up and  
22 arrested her for that. That's why she was back in  
23 jail --

24 MS. RODGERS: After she was  
25 released in December.

1 MS. THOMPSON: Right. I asked how  
2 many times you've stayed; you said once. But now  
3 you had to be there twice.

4 MS. MCCARTHA: Well, how long were  
5 you in jail when you were arrested?

6 MR. BRYSON: In -- in the Department  
7 of Correction it was one. County jail is what she  
8 was thinking you asking her.

9 MS. THOMPSON: How many times have  
10 you been detained by law enforcement where you  
11 stayed more than a couple of hours?

12 THE WITNESS: I can't recall the  
13 number of times.

14 MS. THOMPSON: There's that many?

15 THE WITNESS: Because every time  
16 they issue a warrant for a check, you go to jail  
17 and --

18 MS. THOMPSON: For an overnight  
19 stay?

20 THE WITNESS: Yes, ma'am. And  
21 depending on the time you get there, that depends  
22 on when you go to bond court.

23 MS. THOMPSON: Okay. But the  
24 longest time you've stayed was this July to  
25 December --

1 THE WITNESS: Yes, ma'am.

2 MS. THOMPSON: -- in 2010.

3 THE WITNESS: Yes, ma'am.

4 MS. THOMPSON: And that was because  
5 they ran all the charges concurrently, and that's  
6 for all the checks where you were supporting your  
7 children, or trying to disburse your funds to  
8 support your children --

9 THE WITNESS: Yes, ma'am.

10 MS. THOMPSON: -- is that correct?  
11 Okay. And the breach of peace was a  
12 misunderstanding between you and a school principal  
13 over one of your children who have medical issues.

14 THE WITNESS: Yes, ma'am.

15 MS. THOMPSON: Okay. The contempt  
16 of court charge was because you were actually  
17 detained at the time and could not appear.

18 THE WITNESS: Yes, ma'am.

19 MS. THOMPSON: Is there anything  
20 else that we need to know?

21 THE WITNESS: No, ma'am.

22 MS. THOMPSON: Have you currently  
23 successfully passed examinations?

24 THE WITNESS: Yes, ma'am.

25 MS. THOMPSON: Do you have a job

1 waiting on you?

2 THE WITNESS: Yes, ma'am. I'm  
3 currently at Loretta's Hair Boutique as a braider.

4 MS. THOMPSON: As a braider.

5 THE WITNESS: Until I get through  
6 the licensure where I can fulfill my job title as a  
7 cosmetologist.

8 MS. RODGERS: And is there something  
9 you wanted to say on her behalf?

10 MR. BRYSON: No, I actually came as  
11 a character witness. The time that we've known  
12 each other is like two years. And as -- as far as  
13 the writing of checks, I didn't know anything about  
14 that. But she hasn't been doing that because maybe  
15 I've been handling the financial responsibilities  
16 up until my injury. I just had a total knee  
17 replacement about six months ago. So --

18 MS. WEBB: You've been writing the  
19 checks and watching the bills and all that.

20 MR. BRYSON: Yes.

21 MS. THOMPSON: But you were unaware  
22 of her check-writing troubles prior --

23 MR. BRYSON: Prior to me meeting  
24 her.

25 MS. THOMPSON: Oh, okay. I thought

1           you meant prior to today.

2                           MS. RODGERS: Now, what happens if  
3           you leave and she has to start writing checks  
4           again?

5                           MR. BRYSON: Oh, no. She's getting  
6           better with --

7                           MS. THOMPSON: She's getting her --

8                           MR. BRYSON: -- management it.

9                           MS. THOMPSON: -- business  
10          management degree.

11                          MR. BRYSON: Yes. So she's been  
12          pretty active in the community. We are active in  
13          church. She's head of the children's choir. She  
14          is making progress. Her whole outlook on life has  
15          changed.

16                          MS. THOMPSON: How old is your  
17          youngest child?

18                          THE WITNESS: Two.

19                          MS. THOMPSON: Two. So you have  
20          your hands full.

21                          THE WITNESS: Yes, ma'am.

22                          MS. RODGERS: And your oldest is 14?

23                          THE WITNESS: Yes, ma'am.

24                          MS. WEBB: And you have how many?

25                          THE WITNESS: Five.

1 MS. THOMPSON: Any other questions  
2 from board members?

3 MS. BROWN: Madam Chair, I feel  
4 comfortable in that maybe Ms. Walker has had this  
5 past we're talking about behind her, and I would  
6 like to make a motion to approve her for licensure.

7 MS. RODGERS: Any stipulation?

8 MS. BROWN: I think because of the  
9 length of the check writing, we should have a  
10 probationary --

11 MS. THOMPSON: It's your motion.

12 MS. BROWN: Okay. I'm going to make  
13 the motion.

14 MS. THOMPSON: Okay.

15 MS. BROWN: Okay. My motion is that  
16 we approve her with the stipulation of probation  
17 for two years, with a SLED report with her expense,  
18 and each year make a report.

19 MS. THOMPSON: Okay. I have a  
20 motion to approve the application with a two-year  
21 probationary period with a SLED report to be  
22 submitted at the end of each year at the  
23 applicant's expense. Do I have a second?

24 MS. RODGERS: Second.

25 MS. WEBB: Second.

1 MS. THOMPSON: A motion and a  
2 second. Is there 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? The motion  
8 carries. The decision we announced today expresses  
9 only the basic element of our ruling in this case.  
10 Counsel or staff for the board will prepare a  
11 document which more fully expresses the conclusions  
12 in the appropriate language and format which the  
13 board has traditionally used. The final written  
14 decision must be approved and signed by the  
15 chairman of the board and will be the final order  
16 in this matter.

17 You're approved. You'll just have a  
18 probationary period. Staff will help you  
19 understand what that means and you'll get a final  
20 order from here.

21 THE WITNESS: Okay. Thank you so  
22 much.

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

25 \*\*\*\*\*

1 MS. THOMPSON: Allie Bragg.

2 COURT REPORTER: Madam Chair, it  
3 expires 2022.

4 (The witness is sworn in.)

5 MS. THOMPSON: This hearing is  
6 called to order. This is the matter of Allie  
7 Bragg. Does any member of the board have reason to  
8 recuse herself from consideration of this  
9 application?

10 BOARD MEMBERS: No.

11 MS. THOMPSON: The purpose of this  
12 hearing is to determine whether the applicant  
13 should be granted a license as a cosmetologist.  
14 Everyone is reminded that these proceedings are  
15 being recorded and that all witnesses must be sworn  
16 before they testify. All remarks should be  
17 directed to the chairman.

18 Mr. Ray, is the complete application packet in  
19 our materials?

20 MR. RAY: Yes, ma'am.

21 MS. THOMPSON: And what question did  
22 staff have concerning the application?

23 MR. RAY: The application couldn't  
24 be approved at the staff level because of a  
25 criminal background report.

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

3 MR. RAY: No, ma'am.

4 MS. THOMPSON: And the applicant's  
5 present. Ms. Bragg, do you have an attorney?

6 THE WITNESS: No.

7 MS. THOMPSON: Would you like an  
8 attorney?

9 THE WITNESS: No

10 MS. THOMPSON: Is there anyone else  
11 here who will speak on your behalf?

12 THE WITNESS: No.

13 MS. THOMPSON: Are you prepared  
14 today to give us some answers regarding your  
15 background?

16 THE WITNESS: Yes, ma'am.

17 MS. THOMPSON: Okay. Looks like  
18 you've got charges from 2010/2011. Want to kind of  
19 give me an idea what's going on?

20 THE WITNESS: Okay. I moved away  
21 from home, bad experience with my father. He was  
22 unhappy I got pregnant and my child was biracial  
23 and he was very upset. So I had no choice but to  
24 leave home and I just moved in with the wrong group  
25 of people. Guilty by association. My license was

1           suspended for unpaid traffic tickets, so I got  
2           arrested for driving under suspension.  
3           Consequently, I was pulled over the same day that  
4           my license was suspended. Unlucky, I guess.

5                       MS. THOMPSON: Actually, I'm a  
6           little more concerned with the charges about the  
7           assault charges and the weapon charges. Those are  
8           the ones that I'm really concerned about.

9                       THE WITNESS: Yes, ma'am. I was  
10          driving. I had three people in the car. My  
11          license was suspended. Nobody else in the car had  
12          a license. I was on the way home and blue lights  
13          got behind me. It turns out there was a APB out  
14          for the kind of car I was in; I wasn't driving  
15          wrong or anything. And everybody in the car  
16          freaked out. I was unaware of why everybody  
17          freaked out -- I guess because I didn't have my  
18          license -- until the person in the passenger seat  
19          informed me that he had things that he should not  
20          have in the vehicle.

21                      Because I was the driver of the vehicle, I was  
22          then charged with -- he had over two ounces of  
23          marijuana. He had some crack and some cocaine in  
24          his pocket, as well as a gun under the passenger's  
25          seat. None of it was mine. I was not charged with

1 any of that. However, I did not stop. So I was  
2 charged with failure to stop for blue lights.

3 Everyone in the car was charged with open  
4 container because I wrecked. And when I wrecked,  
5 the alcohol spilled out in the car and they were  
6 unable to tell whose it was, so everyone in the car  
7 got charged with the drug charges, as well as the  
8 gun charge, as well as open container.

9 MS. THOMPSON: And I don't see here  
10 -- what I'm -- the assault with intent to kill is  
11 where I'm at.

12 THE WITNESS: Yes, ma'am.

13 MS. THOMPSON: I don't see a  
14 disposition where that was -- unless I'm  
15 overlooking it.

16 MS. MCCARTHA: She was convicted of  
17 ABHAN, it looks like, which is assault and battery  
18 of a high and aggravated --

19 THE WITNESS: Yes, ma'am. They  
20 reduced it.

21 MS. MCCARTHA: Did you plead down?

22 THE WITNESS: Yes, ma'am. I plead  
23 down and they reduced it. What happened was, in  
24 the event of the chase, an officer was attempting  
25 to lay out spike strips, and I went around them.

1 And when I went around them, I guess they -- they  
2 were upset because of the chase, understandable;  
3 I'm not making any excuses.

4 MS. THOMPSON: They, the law  
5 enforcement.

6 THE WITNESS: Yes, ma'am.

7 MS. THOMPSON: Right? Okay.

8 THE WITNESS: Bad decision on my  
9 part completely. I take full responsibility. But  
10 I almost ran over the officer that was laying out  
11 the spike strips.

12 MS. THOMPSON: Do you currently  
13 still hang out with any of these people that were  
14 involved?

15 THE WITNESS: No, ma'am. Since the  
16 incident -- that night, of course, I went to jail.  
17 I was unable to make bail, so I stayed until my  
18 court date. At my court date, I pled guilty to  
19 the failure to stop for blue lights, as well as  
20 the second degree assault. And with that they gave  
21 me --

22 MS. THOMPSON: So that's when you  
23 almost ran over the officer.

24 THE WITNESS: Yes.

25 MS. THOMPSON: Okay.

1 THE WITNESS: And so they gave me  
2 two year's probation. Upon my release, I moved to  
3 -- back to Camden, back home. I stayed with my  
4 grandma. And I got a job at Walgreens. I've  
5 worked with Walgreens since October of 2010. And  
6 went to school, cosmetology school, paid my way  
7 through school. I do have a letter here from my  
8 probation officer, if you would like to see it.

9 MS. THOMPSON: Do we have it in our  
10 packet now?

11 THE WITNESS: No, ma'am.

12 MS. THOMPSON: Okay. Now, the  
13 father of your child, was he involved in any of  
14 this?

15 THE WITNESS: No, ma'am.

16 MS. RODGERS: Okay. Where was  
17 your baby during all this?

18 THE WITNESS: He was at his father's  
19 house.

20 MS. RODGERS: So you weren't keeping  
21 the baby.

22 THE WITNESS: No, ma'am. Well, it  
23 was a -- I mean, we had -- it's a joint custody.  
24 He doesn't have custody. It was -- he was just  
25 there. He came to stay with me --

1 MS. RODGERS: I just wanted to make  
2 sure the baby wasn't involved --

3 THE WITNESS: Oh, no.

4 MS. RODGERS: -- in all this.

5 THE WITNESS: No, no. Not at all.

6 And my mother-in-law was gracious enough to keep  
7 him while I was there. Since then, that's why I've  
8 been trying to get my life on track so that I can  
9 better take care of my child. As well, I have now  
10 another on the way, due in August. But do you want  
11 me to read this to you? Or would you like me to  
12 pass it to you?

13 MS. THOMPSON: No, that's okay. So  
14 are you currently on probation?

15 THE WITNESS: Yes, ma'am. It's --

16 MS. THOMPSON: It ends when?

17 THE WITNESS: It's set to expire --  
18 well, my last date is the 21st of June of this  
19 year.

20 MS. THOMPSON: All right. So June  
21 21st, you'll be finished with probation. And  
22 you've had no other instances? Any arrests?

23 THE WITNESS: No, ma'am. No contact  
24 whatsoever.

25 MS. THOMPSON: No contact with any

1 of the people that were involved in this, and  
2 you've not had any additional arrests?

3 THE WITNESS: No, ma'am. No  
4 arrests.

5 MS. THOMPSON: Okay.

6 THE WITNESS: I have since paid the  
7 DMV. I have my license back.

8 MS. THOMPSON: Okay. And you've  
9 taken the exam for cosmetology.

10 THE WITNESS: Yes, ma'am.

11 MS. THOMPSON: Passed both of them?

12 THE WITNESS: Yes, ma'am.

13 MS. THOMPSON: And do you have a  
14 cosmetology job waiting for you?

15 THE WITNESS: I have several. My  
16 aunt owns -- I just haven't decided exactly where I  
17 want to go yet. My aunt owns a salon here in  
18 Columbia.

19 MS. THOMPSON: Okay.

20 MS. WEBB: So what is the change  
21 about? I mean, you know you're saying this is past  
22 you and you're done --

23 THE WITNESS: Yes, ma'am.

24 MS. WEBB: -- basically. What is it  
25 that has made you change? Or why do you feel this

1 way?

2 THE WITNESS: I think more than  
3 anything, it was a wake-up call. I was at the time  
4 more concerned about being hardheaded towards my  
5 father, I would say. But since then, priorities  
6 have changed significantly, I have to say.

7 MS. THOMPSON: Any other questions?

8 (Off-the-record discussion.)

9 MS. THOMPSON: How old is your  
10 child?

11 THE WITNESS: My oldest is three and  
12 one on the way.

13 MS. THOMPSON: Okay. So a three  
14 year old and then a new baby to come in August.  
15 Any other questions from the board?

16 MS. BROWN: Did you have to go to  
17 jail?

18 THE WITNESS: Just awaiting my court  
19 date, because I could not afford bail.

20 MS. THOMPSON: How long was that?  
21 Do you know?

22 THE WITNESS: Sixty-four days, I  
23 believe. It was May the 20th to July -- the end of  
24 July, 27th'ish.

25 MS. BROWN: And two year's

1 probation --

2 THE WITNESS: Yes, ma'am.

3 MS. BROWN: -- is that right?

4 MS. RODGERS: And that's just about  
5 to be over.

6 MS. THOMPSON: Uh-huh. June 21st.

7 MS. BROWN: June 21st.

8 MS. THOMPSON: She said that's just  
9 about to be over, and June 21st of 2012 ends her  
10 probation time. Are there any other questions? Or  
11 is there a board member prepared to make a motion?

12 MS. BROWN: Madam Chair, I would  
13 like to make a motion to approve Allie Bragg. And  
14 she's doing probation that ends. With this I would  
15 say a year of probation with the SLED report.

16 MS. THOMPSON: I have a motion to  
17 approve licensure for Allie Bragg with a one-year  
18 probation period attached to it for a SLED report  
19 to be submitted at Ms. Bragg's expense. Do I have  
20 a second?

21 MS. WEBB: Second.

22 MS. THOMPSON: I have a motion and a  
23 second. Is 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. The decision we announced today expresses  
5 only the basic element of our ruling in this case.  
6 Counsel or staff for the board will prepare a  
7 document which more fully expresses our conclusion  
8 in the appropriate language and format which the  
9 board has traditionally used. The final written  
10 decision must be approved and signed by the  
11 chairman of the board and will be the final order  
12 in the matter. Thank you.

13 THE WITNESS: Thank you.

14 MS. WEBB: Madam Chairman, I make a  
15 motion for a five minute break.

16 MS. THOMPSON: We'll be back in five  
17 minutes.

18 (Off the record.)

19 MS. THOMPSON: Call the meeting back  
20 to order. Next on the agenda, Doan Dao, D-A-O.

21 COURT REPORTER: Expires 2016.

22 (The witness is sworn in.)

23 MS. THOMPSON: This hearing is  
24 called to order. This is the matter of Doan Dao.  
25 Does any member of the board have reason to recuse

1           herself from consideration of this application?

2                           BOARD MEMBERS:  No.

3                           MS. THOMPSON:  The purpose of this  
4           hearing is to determine whether the applicant  
5           should be granted a license as a cosmetologist.  
6           Everyone is reminded that these proceedings are  
7           being recorded and that all witnesses must be sworn  
8           before they testify.  All remarks should be  
9           directed to the chairman.

10                   Mr. Ray, is the complete application packet in  
11           our materials?

12                           MR. RAY:  Yes, ma'am.

13                           MS. THOMPSON:  And what question did  
14           staff have concerning this application?

15                           MR. RAY:  We had some questions  
16           about the endorsement application from Georgia,  
17           which couldn't be determined at the staff level.  
18           If I just may deviate just a little bit, the  
19           interview with Ms. Dao on April 11 and --

20                           MS. THOMPSON:  Of this year?  2012?

21                           MR. RAY:  Yes, ma'am.

22                           MS. THOMPSON:  Okay.

23                           MR. RAY:  And I specifically asked  
24           her, you know, if she had ever had licensure or  
25           attempted to get licensure in South Carolina, which

1 she told me twice, "No." But, however, we just had  
2 some information in Relays with her information on  
3 it. So it's not to speculate, but --

4 MS. THOMPSON: I'm sorry, I couldn't  
5 hear you. I didn't hear what you said.

6 MR. RAY: We just had some questions  
7 we couldn't get the answers to.

8 MS. THOMPSON: Okay. But according  
9 to Relays, she has had a license in South Carolina.

10 MR. RAY: No. It's just her  
11 licensure information is in --

12 MS. THOMPSON: In Relays.

13 MR. RAY: -- in Relays. Yes, ma'am.

14 MS. THOMPSON: All right. Did staff  
15 subpoena anyone to be here today to answer  
16 questions?

17 MR. RAY: No, ma'am.

18 MS. THOMPSON: And the applicant's  
19 present. Ms. Dao, do you have a lawyer with you  
20 today?

21 THE WITNESS: No.

22 MS. THOMPSON: Would you like one?  
23 Would you like a lawyer today?

24 THE WITNESS: No, I don't.

25 MS. THOMPSON: You do not, okay.

1 All right. And so where do you currently live?

2 THE WITNESS: I live in South  
3 Carolina.

4 MS. THOMPSON: You live in South  
5 Carolina. And what states do you currently have  
6 licenses from?

7 THE WITNESS: Georgia.

8 MS. THOMPSON: Just Georgia.

9 THE WITNESS: Yes, ma'am.

10 MS. THOMPSON: Is that the only  
11 state you've ever had a cosmetology license in?

12 THE WITNESS: No, ma'am.

13 MS. THOMPSON: What states have you  
14 previously been licensed in?

15 THE WITNESS: I'm sorry?

16 MS. THOMPSON: Have you ever had a  
17 cosmetology license in any other state besides  
18 Georgia?

19 THE WITNESS: No, ma'am.

20 MS. THOMPSON: Never.

21 THE WITNESS: Never.

22 MS. THOMPSON: When did you obtain  
23 your Georgia license?

24 THE WITNESS: I went to school in  
25 the beginning September 2012 -- I mean, 2010.

1 MS. THOMPSON: So September 2010 --

2 THE WITNESS: Yes, ma'am.

3 MS. THOMPSON: -- you went to school  
4 in Georgia.

5 THE WITNESS: Yes, ma'am.

6 MS. THOMPSON: You completed school  
7 in Georgia.

8 THE WITNESS: Yes, ma'am.

9 MS. THOMPSON: You took an exam in  
10 Georgia?

11 THE WITNESS: Yes, ma'am.

12 MS. THOMPSON: And you were granted  
13 a license in Georgia.

14 THE WITNESS: Yes, ma'am.

15 MS. THOMPSON: Okay. When did you  
16 move to South Carolina?

17 THE WITNESS: I moved to South  
18 Carolina after I finish my school. It's from  
19 August 2012 -- 2011; I'm sorry.

20 MS. THOMPSON: So you moved to South  
21 Carolina in August of 2011.

22 THE WITNESS: Yes, ma'am.

23 MS. THOMPSON: Okay. And your  
24 Georgia license is still current right now. Your  
25 Georgia license is current now? Or has it expired?

1 THE WITNESS: My Georgia license.

2 Oh, I just got it for March, last March.

3 MS. THOMPSON: Of 2012?

4 THE WITNESS: Yes, ma'am.

5 MS. THOMPSON: You renewed it? Or  
6 you just --

7 THE WITNESS: I just finished my  
8 school and I took the exam and I got it.

9 MS. THOMPSON: I thought you said  
10 you took the exam in 2010.

11 THE WITNESS: No. I went to school.  
12 I applied to school.

13 MS. THOMPSON: Okay. So you  
14 finished school in 2011, but you --

15 THE WITNESS: Yes.

16 MS. THOMPSON: -- just got your  
17 license this past March?

18 THE WITNESS: Yes, ma'am.

19 MS. THOMPSON: Why was there the  
20 delay?

21 THE WITNESS: Because I took four  
22 time for the examination.

23 MS. THOMPSON: You took the exam --

24 MS. WEBB: Can you speak up just a  
25 little bit? Can you speak up?

1 THE WITNESS: I took four times for  
2 my test.

3 MS. THOMPSON: She took the exam  
4 four times.

5 MS. WEBB: Okay. Thank you.

6 MS. THOMPSON: The theory exam and  
7 the practical exam, you had to take --

8 THE WITNESS: I'm sorry.

9 MS. THOMPSON: Which exam did you  
10 have to take four times?

11 THE WITNESS: I mean theory I took  
12 three times, and the practical, just one time, so  
13 the total four.

14 MS. THOMPSON: Total of four times.

15 THE WITNESS: Yes, ma'am.

16 MS. WEBB: When did she get her  
17 license again?

18 MS. THOMPSON: March.

19 MS. WEBB: Okay.

20 MS. THOMPSON: According  
21 to the Georgia document we have, I think it says  
22 February 27th is the actual issue date. The  
23 expiration is March 31st of 2014. How long were  
24 you in school?

25 THE WITNESS: I went to school from

1 -- the 1st September 2010 --

2 MS. THOMPSON: Right.

3 THE WITNESS: -- until 28 July 2011.

4 MS. THOMPSON: And how many hours  
5 did you complete?

6 THE WITNESS: One thousand -- 1500  
7 hours.

8 MS. THOMPSON: Fifteen hundred  
9 hours.

10 THE WITNESS: Yes.

11 MS. THOMPSON: Tell me again, you  
12 moved to South Carolina when?

13 THE WITNESS: I moved to South  
14 Carolina in June 2009. 2009. Like I -- I -- well,  
15 I'm from -- I was from -- straight from Vietnam to  
16 South Carolina 2009.

17 MS. THOMPSON: Okay. But at the  
18 time you were in school, what state did you live  
19 in?

20 THE WITNESS: The first time when I  
21 came here, I was in South Carolina. I lived with  
22 my aunt. It's in North Charleston. And I got her  
23 address until now. I haven't changed yet. And  
24 then 2010, I moved to Atlanta because my sister has  
25 a house there, so I moved there. Just back and

1           forth, not really stay there. And then I attend  
2           this class there.

3                       MS. THOMPSON: So you came from  
4           Vietnam to South Carolina.

5                       THE WITNESS: Yes, ma'am.

6                       MS. THOMPSON: Then you went to stay  
7           with your sister in Atlanta. I'm curious why you  
8           didn't go to school in South Carolina if now you're  
9           wanting a license in South Carolina.

10                      THE WITNESS: Because of the fee.

11                      MS. THOMPSON: I'm sorry?

12                      THE WITNESS: Because of the school  
13           fee.

14                      MS. THOMPSON: The school was free?

15                      THE WITNESS: The school fee.

16                      MS. WEBB: Fee.

17                      MS. THOMPSON: Fee, okay.

18                      MS. WEBB: What was the school that  
19           you went to?

20                      THE WITNESS: Georgia Beauty School.

21                      MS. WEBB: Georgia Beauty School?

22                      THE WITNESS: Yes, ma'am.

23                      MS. WEBB: That's the name?

24                      THE WITNESS: Yes.

25                      MS. WEBB: Okay.

1 MS. BROWN: What did you like best  
2 in your subjects of cosmetology?

3 THE WITNESS: I like to do -- do  
4 hair for customer and everything to make people  
5 more beauty.

6 MS. BROWN: What type of things --  
7 what type of services do you like to do?

8 THE WITNESS: I like to cut customer  
9 hair and everything.

10 MS. THOMPSON: Ms. Dao, have you  
11 ever attempted to receive licensure in South  
12 Carolina prior to right now? Is this your first  
13 time trying to seek licensure in South Carolina?

14 THE WITNESS: Yes, I do.

15 MS. THOMPSON: This is your very  
16 first time?

17 THE WITNESS: Very first time. And  
18 I don't know -- like I was wondering too, because  
19 it's like when I was in Atlanta 2000 -- 2000 --  
20 2012 -- 2011 and in 2010 and Aunt call me and said  
21 that I have a letter from here and they said that I  
22 have like not real license. And I was wondering; I  
23 don't know, is there any mistake from you because I  
24 have never attended school here, why I have that.

25 MS. THOMPSON: So if I understood

1           what you said, I want to be sure I'm understanding,  
2           that in 2010 --

3                         THE WITNESS:  Yes.

4                         MS. THOMPSON:  -- you received a  
5           letter, or your aunt received a letter --

6                         THE WITNESS:  Yes.  From here.

7                         MS. THOMPSON:  She lives in South  
8           Carolina?  Or she lives in Atlanta?

9                         THE WITNESS:  She lives in South  
10          Carolina.

11                        MS. THOMPSON:  Okay.  So she  
12          received a letter in South Carolina --

13                        THE WITNESS:  Yes.

14                        MS. THOMPSON:  -- saying that the  
15          license you had was not valid.

16                        THE WITNESS:  Yes.

17                        MS. THOMPSON:  But you don't know  
18          where that came from because you've never had a  
19          license --

20                        THE WITNESS:  Yes.

21                        MS. THOMPSON:  -- in South Carolina.

22                        THE WITNESS:  Yes, ma'am.

23                        MS. THOMPSON:  Do you know of anyone  
24          else that has the same name as you?

25                        THE WITNESS:  I don't know.  Because

1 when I first came here, I didn't know anybody.

2 MS. THOMPSON: Do you have any  
3 relatives that live with your aunt that also  
4 practice nail technology or cosmetology?

5 THE WITNESS: Yes, my sister.

6 MS. THOMPSON: Your sister. Is her  
7 name similar to yours?

8 THE WITNESS: No.

9 MS. THOMPSON: When did she receive  
10 licensure?

11 THE WITNESS: I'm not sure, but  
12 before me, three or four years ago before I move  
13 here.

14 MS. THOMPSON: Before you moved here  
15 from, Vietnam?

16 THE WITNESS: Yes, ma'am.

17 MS. THOMPSON: So she came to the  
18 United States before you did?

19 THE WITNESS: Yes, ma'am.

20 MS. THOMPSON: And she lives with  
21 the same aunt that you lived with?

22 THE WITNESS: Before. Yes.

23 MS. THOMPSON: And did she go to  
24 school in Atlanta as well?

25 THE WITNESS: Yes. Before she lived

1           there. She have a house there, so --

2                           MS. THOMPSON: And she's your only  
3           sibling?

4                           THE WITNESS: Yes. And my --

5                           MS. THOMPSON: Do you have any other  
6           family members that lived with this aunt in South  
7           Carolina or the relative in Atlanta who are  
8           licensed in this field?

9                           THE WITNESS: No, just me and my  
10          sister, and (inaudible) I don't know before --

11                          MS. THOMPSON: They already moved  
12          where?

13                          THE WITNESS: -- they moved to  
14          Summerville, near the house that my aunt live.

15                          MS. WEBB: So you're saying you have  
16          -- do you have cousins or family members that do  
17          hair or nails?

18                          THE WITNESS: Yes, ma'am.

19                          MS. WEBB: And they live in  
20          Summerville.

21                          THE WITNESS: Yes.

22                          MS. THOMPSON: Is their last name  
23          the same as yours?

24                          THE WITNESS: Yes, D-A-O.

25                          MS. THOMPSON: It is. And do any of

1           them have variation -- I understand that sometimes  
2           the names can be the same, they're just in  
3           different order. What I'm trying to understand,  
4           how in the world they could have gotten confused  
5           that you have a license if you didn't.

6                         THE WITNESS: Yes.

7                         MS. THOMPSON: Do any of your family  
8           members have the same names as you, just perhaps in  
9           a different order?

10                        THE WITNESS: Just only my sister.

11                        MS. THOMPSON: And what is her name?

12                        THE WITNESS: T-R-M -- T-R-A-N-G.

13                        MS. THOMPSON: And last name D-A-O?

14                        THE WITNESS: Yes, ma'am.

15                        MS. THOMPSON: So no one else has D-  
16           O-A-N or V-U or T-H-U-Y in any other order, none  
17           of them.

18                                 (Witness shakes head.)

19                        COURT REPORTER: You have to say  
20           "yes" or "no."

21                        THE WITNESS: Oh. No.

22                        MS. THOMPSON: No.

23                        MS. THOMPSON: The address that the  
24           letter came to, is that the same address that we  
25           have for your sister's license right now? I'm just

1           wondering how we would have gotten your mailing  
2           address if you have never been licensed in our  
3           state.

4                         THE WITNESS:   Yes.  It's because  
5           like when I first came to U.S., we initially went  
6           to the flea market with my sister.  And at that  
7           time, I had no idea where I put my -- I mean, my  
8           purse, because I tried to help her.  And like when  
9           I got home and I didn't find my purse there, so two  
10          days later, a man called me and he like Mexican  
11          man, I guess, and he said that I forgot at the  
12          market and he tried to call to my sister because my  
13          phone -- my phone was in the purse too.  So he  
14          called my sister and said that I forgot the -- I  
15          mean, everything at the flea market, he wanted to  
16          return to me.

17                        And then he came and we met at the -- the  
18           place and he give that to me.  And give him like  
19           100 because I'm so happy because I got all my  
20           information, my green card and everything.  Because  
21           when I first came here, I'm afraid that I'm going  
22           to lost everything.  So I always keep them with  
23           me.

24                        MS. THOMPSON:  Right.

25                        THE WITNESS:  Yes.  So, I don't --

1 maybe from that. I don't know. I lost my  
2 information.

3 MS. THOMPSON: Right. You're saying  
4 that perhaps --

5 THE WITNESS: Yes.

6 MS. THOMPSON: -- during that time,  
7 somehow or another --

8 THE WITNESS: Yes.

9 MS. THOMPSON: -- someone obtained  
10 your information and --

11 THE WITNESS: Yes.

12 MS. THOMPSON: -- then provided it  
13 to us.

14 THE WITNESS: Yes.

15 MS. THOMPSON: Okay.

16 MS. CURTIS: I have a question?

17 MS. THOMPSON: Sure.

18 MS. CURTIS: Does staff have any way  
19 of checking the date that that number was first  
20 entered into our system, as far as her making an  
21 appearance? I mean, any type of letters that they  
22 may have sent out? Because I know that they date  
23 base. But it looks like all the dates are 3/26/10  
24 over there. So is that the first date that she  
25 actually --

1 MS. MCCARTHA: That would be my  
2 assumption.

3 MS. CURTIS: And does staff have any  
4 record of a letter going out to her as far as --

5 MR. RAY: I'm sorry, what was your  
6 question?

7 MS. CURTIS: Do you have a record of  
8 any type of letter going to --

9 MR. RAY: That was the first I've  
10 heard on that.

11 MS. CURTIS: You have no record of a  
12 letter going to her? Or what address --

13 MR. RAY: I'm not sure.

14 MS. CURTIS: That's just strange.

15 MS. THOMPSON: Are there any other  
16 questions from the board members before I would  
17 request that perhaps a board member make a motion  
18 for executive session, so that we can garner some  
19 legal advice. But prior to, I need to be sure that  
20 if there are any questions you have of Ms. Dao,  
21 that we ask them now. Or staff, any questions of  
22 Ms. Dao, or staff?

23 MS. WEBB: Madam Chair, I make a  
24 motion to go into executive session.

25 MS. RODGERS: I second.

1 MS. THOMPSON: I have a motion and a  
2 second for executive session. Any further  
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. We're going to clear the room again.  
10 We're going to enter executive session for legal  
11 advice.

12 (Executive Session.)

13 MS. WEBB: Madam Chair, I make a  
14 motion to come out of executive session.

15 MS. RODGERS: I second.

16 MS. THOMPSON: Have a motion and a  
17 second. Any further discussion?

18 MS. WEBB: Madam Chair --

19 MS. THOMPSON: I need to finish this  
20 motion.

21 MS. WEBB: I'm sorry.

22 MS. THOMPSON: Any other discussion  
23 on the motion to come out of executive session?

24 (NO RESPONSE.)

25 MS. THOMPSON: Hearing none, all in

1 favor, signify by saying aye.

2 BOARD MEMBERS: Aye.

3 MS. THOMPSON: Opposed? Motion  
4 carries. Yes Ms. Webb. For the record, there were  
5 no motions made or votes taken during executive  
6 session. Ms. Dao, I need for you to remember that  
7 you are under oath. Okay, that you were sworn in,  
8 that still applies now. Okay?

9 THE WITNESS: Yes.

10 MS. THOMPSON: Now, Ms. Webb, I'm  
11 sorry.

12 MS. WEBB: You have had no other  
13 license in South Carolina.

14 THE WITNESS: No, ma'am.

15 MS. WEBB: Okay.

16 MS. THOMPSON: Does any member of  
17 the board have a motion they would like to make as  
18 to the disposition of this application?

19 MS. CURTIS: Madam Chair, I'll make  
20 a motion to approve the endorsement.

21 MS. RODGERS: Second.

22 MS. THOMPSON: Motion and a second.  
23 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. Thank you, Ms. Dao. Your application was  
5 approved.

6 THE WITNESS: Thank you.

7 \*\*\*\*\*

8 MS. THOMPSON: Okay. At this point  
9 we're going to deviate just a bit from the agenda.  
10 We have scheduling conflicts and we need to address  
11 that. So at this time we're going to move to  
12 Letter F, as in Frank, last name N-G-U-Y-E-N.

13 COURT REPORTER: Madam Chair,  
14 expires 2017.

15 (The witness is sworn in.)

16 (Received card from her attorney  
17 Jeremy Martin.)

18 MS. THOMPSON: This hearing is  
19 called to order. This is the matter of first name  
20 T-H-U last name N-G-U-Y-E-N. Does any member of  
21 the board have reason to recuse herself from  
22 consideration of this application?

23 BOARD MEMBERS: No.

24 MS. THOMPSON: The purpose of this  
25 hearing is to determine whether Ms. Nguyen should

1 be granted a license as a nail technician.  
2 Everyone is reminded that these proceedings are  
3 being recorded and that all witnesses must be sworn  
4 before they testify. All remarks should be  
5 directed to the chairman.

6 Mr. Ray, is the complete application packet in  
7 our material?

8 MR. RAY: Yes, ma'am.

9 MS. THOMPSON: And what questions  
10 did staff have concerning the application?

11 MR. RAY: She's seeking to reinstate  
12 her license. I'm sorry, I don't have my script on  
13 this one for some reason. So we requested that she  
14 come meet with the board, seek eligibility to  
15 reinstate the license do to questions that staff  
16 could not answer.

17 MS. THOMPSON: Okay. And did staff  
18 subpoena anyone else to be here today?

19 MR. RAY: No, ma'am.

20 MS. THOMPSON: The applicant is  
21 present. Ms. Nguyen, would you state your full name  
22 for me?

23 THE WITNESS: Yeah. Excuse me?

24 MR. MARTIN: State your name.

25 THE WITNESS: My name T-H-U,

1 first --

2 MS. THOMPSON: Just pronounce it for  
3 me, so I know how to say it.

4 THE WITNESS: T-H-U.

5 MR. MARTIN: Thu.

6 MS. THOMPSON: And you're  
7 represented by an attorney today? You have a  
8 lawyer today?

9 THE WITNESS: Yes.

10 MS. THOMPSON: Sir, would you just  
11 state your name for the record, so that the board  
12 members know who you are?

13 MR. MARTIN: Yes, ma'am. It's  
14 Jeremy Martin.

15 MS. THOMPSON: And besides you, Mr.  
16 Martin and Ms. Nguyen, is there anyone else who  
17 will be speaking on her behalf?

18 MR. MARTIN: No, ma'am.

19 MS. THOMPSON: Okay. So we have  
20 before us today an application for reinstatement  
21 for licensure. Ms. Nguyen, you had your nail  
22 technician license and it expired in 2011?

23 THE WITNESS: Yes, ma'am.

24 MR. MARTIN: If I may, I could  
25 probably sum up the issue.

1 MS. THOMPSON: Okay.

2 MR. MARTIN: My client is  
3 Vietnamese, and I think you stated earlier in  
4 another hearing that it's a common for the names to  
5 get flip-flopped, and that's what happened in this  
6 case. Her prior two licenses were issued in the  
7 name of Thao, T-H-A-O, the initial T. Nguyen. And  
8 then when she went to go reinstate her license this  
9 year, she had obtained a new driver's license, and  
10 they had her middle name first. So they had Thu  
11 Thao Thi Nguyen. And I think that's what triggered  
12 the denial of the reinstatement.

13 MS. THOMPSON: Okay. So let me just  
14 make sure. All right. Her previous nail  
15 technician's license stated her name as T-H-A-O T.  
16 Nguyen.

17 MR. MARTIN: Yes, ma'am. May I  
18 approach?

19 MS. THOMPSON: Her driver's license  
20 then has it how? Tell me the arrangement.

21 MR. MARTIN: Thu, T-H-U T-H-A-O T-  
22 H-I Nguyen.

23 MS. THOMPSON: All right now,  
24 this is where I'm a little confused because I do  
25 know that the times I've been to the DMV, I

1 actually fill my forms out. So was there confusion  
2 on her part in how she filled it out and that's why  
3 they --

4 MR. MARTIN: When she went to  
5 cosmetology school, she forgot that she had used  
6 Thao first; that's why her license is in this name.  
7 And then it got changed. I do have a copy of the  
8 translation of her birth certificate. It's just  
9 that it -- it looks like it's just a simple  
10 confusion in the listing of the names.

11 MS. THOMPSON: But I'm just  
12 wondering where the confusion happens. Is it  
13 happening in the person's actually keying in  
14 information? Or is it happening on Ms. Nguyen's  
15 part when she's filling out documents, she's  
16 changing how she fills them out?

17 MR. MARTIN: How did you -- did you  
18 fill this out?

19 THE WITNESS: That's -- that's the  
20 -- when I go to school and I fill the --

21 MR. MARTIN: Talk to them. Talk  
22 loud.

23 THE WITNESS: When I go school, I --  
24 I -- I forgot I fill the middle name Thao.

25 MS. THOMPSON: Why? Why did you

1 change which name you went by?

2 THE WITNESS: With my first name.

3 And -- yeah, and when I come here, I did everything  
4 wrong. My first name come from middle name.

5 MS. THOMPSON: Okay. So when you  
6 lived in your country, the name you went by --

7 THE WITNESS: Thao.

8 MS. THOMPSON: -- is Thao.

9 THE WITNESS: Yes.

10 MS. THOMPSON: But when you moved to  
11 this country --

12 THE WITNESS: Thu.

13 MS. THOMPSON: You chose to go by  
14 Thu? Or all the documents that you were given,  
15 they rearranged them incorrectly? Did you choose  
16 to go by a different name once you came to this  
17 country?

18 THE WITNESS: Yeah, this name, when  
19 I come here, they -- they -- they do it wrong from  
20 the -- the first name --

21 MS. THOMPSON: Right. So they  
22 messed it up on your driver's license.

23 THE WITNESS: Yeah.

24 MS. THOMPSON: But what do the  
25 people in this country now, what do they call you?

1 THE WITNESS: Thao.

2 MS. THOMPSON: Thao.

3 THE WITNESS: Yeah.

4 MS. THOMPSON: So you still choose  
5 that you want to be called Thao. They just have  
6 mixed this up.

7 THE WITNESS: Yeah. In my  
8 country, it's Thao, all my friend, Thao.

9 MR. MARTIN: What she's saying is  
10 that all of her identification has Thu first, but  
11 her birth certificate says Thao. And I don't know  
12 how that happened.

13 MS. THOMPSON: I guess I just --  
14 where my confusion is happening is I understand  
15 with the Vietnamese community, the names are very  
16 similar, and the order in which they're placed  
17 changes and that gets a little confusing for us.  
18 However, when an individual goes and fills out a  
19 document, it's at their discretion as to what  
20 they're going to put in the first name section, the  
21 middle name section and the last name section. So  
22 that's why I'm a little confused as to if she  
23 chooses to want to be called Thao, how it ever  
24 became that that was not considered her first  
25 name.

1                   MR. MARTIN: (To Ms. Nguyen) Do you  
2 know why they put this name first?

3                   THE WITNESS: When I come --

4                   MR. MARTIN: You've got to talk  
5 loud.

6                   THE WITNESS: When I come here --  
7 the green card the first name Thu, like that. I  
8 don't know.

9                   MS. THOMPSON: So if it was  
10 incorrect, why did you leave it that way? Why  
11 didn't you attempt to correct that?

12                   MS. RODGERS: When you filled out  
13 your form, you were doing it, is what she's saying.  
14 You were filling out the forms; why didn't you  
15 correct it?

16                   MS. THOMPSON: Right. I'm looking  
17 at the renewal application and this is, I'm  
18 assuming, Ms. Nguyen's handwriting and she's listed  
19 her name, and the order in which she's done it is  
20 Thu Thao Thi Nguyen. If that's not the way it's  
21 intended to be, why would she not rectify it there  
22 and write it in its proper order, to begin the  
23 process of correction?

24                   MR. MARTIN: Do you understand the  
25 question?

1 THE WITNESS: Because I -- I saw  
2 everything that say I'm -- that's why I don't go --  
3 my name. I -- I -- that's why I keep the Thu. And  
4 Thu; my first name Thu. Just when I go school --

5 MS. THOMPSON: I understand that all  
6 of the documentation that you've been provided  
7 since moving to the United States, the order that  
8 your name has been listed has been incorrect. I  
9 understand that you're saying that.

10 What I don't understand is why you left it  
11 that way. Why haven't you corrected it? Why  
12 haven't you gone to the Department of Motor  
13 Vehicles and said "My name is supposed to be this,"  
14 and show them your first name, your middle name,  
15 your last name in its correct form, why you're  
16 leaving the documents incorrect.

17 THE WITNESS: Because at that time I  
18 don't -- I don't understand a lot. My husband dit  
19 it and he say "It's okay."

20 MS. THOMPSON: I mean, I'm looking  
21 at the documents. We have the Permanent Resident  
22 Card. We have the South Carolina driver's license,  
23 and we have a Social Security card. On two of  
24 them, she's just signed "Thao." But on the  
25 driver's license, she signed -- I mean, she's even

1 signed it "Thu Thao." I mean, when I look at  
2 information that I'm given and if not correct, then  
3 I correct it. I don't understand.

4 MR. MARTIN: On your driver's  
5 license, it's signed like that? I can't even --

6 MS. THOMPSON: Yes. I mean, I just  
7 look and you can see a T-H-U --

8 MR. MARTIN: Oh, okay.

9 MS. THOMPSON: -- and then it kind  
10 of runs together. I can't tell what the other  
11 letters are. But on the Social Security card, it's  
12 very distinctly T-H-A-O. And in the Permanent  
13 Resident Card, it's very distinctly T-H-A-O. The  
14 driver's license signature starts with T-H-U.

15 MR. MARTIN: (To Ms. Nguyen) This  
16 is your first one, and they just do it backwards.

17 THE WITNESS: Yeah.

18 MS. THOMPSON: So some of the  
19 documents she signs T-H-A-O, and some of the  
20 documents she signs T-H-U.

21 MR. MARTIN: Okay. Going forward,  
22 the easiest way to correct this and rectify the  
23 situation would be for her to correct her  
24 information on the identification cards, to reflect  
25 her correct legal name.

1 MS. THOMPSON: I think in a  
2 situation like this where we have an industry where  
3 the Vietnamese community is very present --

4 MR. MARTIN: Right.

5 MS. THOMPSON: And there is such  
6 confusion in names, if this were me, I would want  
7 to be certain that my legal name was what everyone  
8 had on record, especially where there's being  
9 similarities and lots of people having the same  
10 names. When you're talking about your license  
11 number being assigned to your name with your  
12 identification number, if someone else out there is  
13 committing violations, I wouldn't want that  
14 associated with her, if she were innocent. And the  
15 only way to rectify that is that we have exactly  
16 what her name is supposed to be.

17 MR. MARTIN: Okay.

18 MS. THOMPSON: And we have in these  
19 documents, multiple variations of it.

20 MR. MARTIN: Is there any way to  
21 grant her reinstatement upon the condition that she  
22 has her I.D. corrected?

23 MS. RODGERS: I've got some problems  
24 here.

25 MS. THOMPSON: That will be at the

1 discretion of the board. And honestly, I can't  
2 speak on behalf of the board. It is definitely  
3 something the board could consider. Questions from  
4 the board?

5 MS. RODGERS: Well, I just have  
6 some concerns about some things that were written  
7 in the history, that I just need clarification on,  
8 so I can understand it. But from reading the  
9 document here and the history, it says that she did  
10 not fill out her Cosmo applications, that they did  
11 it for her at school. It also says that she had  
12 certain days that she was in school, that didn't  
13 add up to the total amount of hours that she gave  
14 us. So I just have some problems with these that  
15 I'd --

16 MR. MARTIN: Absolutely.

17 MS. RODGERS: -- like for you to  
18 help me understand.

19 MR. MARTIN: (To Ms. Nguyen) She's  
20 asking you, when you filled out your initial  
21 application after you went to school in North  
22 Carolina --

23 THE WITNESS: Yes.

24 MR. MARTIN: Who filled out that  
25 application?

1 THE WITNESS: I -- I -- I do.

2 MS. RODGERS: But it says in the  
3 statement that you said you did not fill out the  
4 application for cosmetology, that World Beauty  
5 filled it out for you and you paid them.

6 THE WITNESS: No. Before I  
7 live in North Carolina, I go school over there, and  
8 I filled --

9 MR. MARTIN: Did they help you fill  
10 out the application?

11 THE WITNESS: I do.

12 MR. MARTIN: Or did you fill it out  
13 yourself?

14 THE WITNESS: I fill out.

15 (Inaudible.)

16 MR. MARTIN: She's asking you why  
17 did you write in your information that you paid  
18 somebody to fill out your application? Did you  
19 mean that? Or --

20 THE WITNESS: No, I -- I --

21 MR. MARTIN: -- is that --

22 THE WITNESS: -- I fill myself.

23 MS. WEBB: I have a question here  
24 too. Okay, now, she went to school and I've got --  
25 let me clear this up with the history.

1 MR. MARTIN: Sure.

2 MS. WEBB: You went to school in  
3 North Carolina?

4 MR. MARTIN: Yes.

5 THE WITNESS: Yes.

6 MS. WEBB: Correct?

7 THE WITNESS: Yes.

8 MS. WEBB: Okay. So why does it say  
9 "Ms. Nguyen stated that she did not fill out her  
10 Cosmo app, that World Beauty had"--

11 MS. RODGERS: That's what I was  
12 just asking.

13 MS. WEBB: -- and she had to pay  
14 World Beauty a hundred and fifty dollars for  
15 school, ATB test, and another hundred dollars to  
16 test. But she stated she does not recall taking  
17 the theory blah, blah, blah. Where does World  
18 Beauty come into this?

19 MR. MARTIN: Is that where you went  
20 to school?

21 THE WITNESS: Yeah, I go school in  
22 North Carolina.

23 MR. MARTIN: What's the name of the  
24 school?

25 THE WITNESS: Saigon Beauty.

1 MS. WEBB: Okay. So where is World  
2 Beauty located?

3 MR. MARTIN: Who is World Beauty?  
4 You said in your history documentation that World  
5 Beauty was involved. Were they involved?

6 THE WITNESS: I -- I --

7 MR. MARTIN: You got to talk loud.

8 THE WITNESS: I forgot her name.  
9 Her name -- I forgot her name already.

10 MR. MARTIN: What is -- what is  
11 World Beauty? Or who is World Beauty?

12 THE WITNESS: (Inaudible.)

13 MR. MARTIN: Did you write World  
14 Beauty in your report that you submitted? Do you  
15 have a copy of that? It's something that I can --

16 MS. MCCARTHA: It's a document.  
17 The staff documents every time they talk to a  
18 person that applies. So that's where this is  
19 coming from.

20 MS. THOMPSON: Ms. Nguyen, what's  
21 the name of the nail tech school when you went to  
22 when you obtained licensure? What's the name of  
23 the school you went to?

24 THE WITNESS: I remember it's Saigon  
25 Beauty.

1 MS. THOMPSON: Saigon. And that  
2 was in North Carolina?

3 THE WITNESS: Yeah, North Carolina.

4 MS. THOMPSON: What city in North  
5 Carolina?

6 THE WITNESS: Greensboro.

7 MS. THOMPSON: No, what city?

8 MR. MARTIN: Greensboro.

9 THE WITNESS: Greensboro.

10 MS. THOMPSON: Oh, I thought she  
11 said "Greenville Road."

12 MR. MARTIN: I'm sorry, Greensboro.

13 MS. THOMPSON: I apologize.

14 MS. WEBB: Saigon Beauty?

15 MS. THOMPSON: Yes. Okay. And when  
16 did you graduate from there? When did you finish  
17 the program?

18 THE WITNESS: I finish over there in  
19 2006.

20 MR. MARTIN: What year did you  
21 finish?

22 THE WITNESS: About 2006.

23 MS. THOMPSON: 2006?

24 THE WITNESS: Yeah.

25 MS. THOMPSON: So in 2006, you

1 finished the program. Did you get licensed in  
2 North Carolina?

3 THE WITNESS: No, ma'am.

4 MS. THOMPSON: No. You were  
5 licensed in South Carolina.

6 THE WITNESS: Yes.

7 MS. THOMPSON: In what year did you  
8 first get your license in South Carolina?

9 THE WITNESS: 2007.

10 MS. THOMPSON: 2007. Okay. Why did  
11 you go to school in North Carolina, but get your  
12 license in South Carolina?

13 THE WITNESS: Because I moving here  
14 for -- for work. And that time I -- I -- I live  
15 over there. And my husband come here first, and I  
16 stay over there. I wait for my son going to finish  
17 school. And when I finish school and I move --  
18 move here.

19 MS. THOMPSON: But if you went to  
20 school in North Carolina, why did you not go ahead  
21 and get your North Carolina license?

22 THE WITNESS: I -- I don't have  
23 time. When I finish, I come here.

24 MR. MARTIN: Were you living in  
25 South Carolina prior to you going to school in

1 North Carolina?

2 THE WITNESS: No. I live North  
3 Carolina. Yeah, and I --

4 MS. THOMPSON: Lived in North  
5 Carolina.

6 THE WITNESS: Yes.

7 MS. THOMPSON: Right. And you went  
8 to school in North Carolina.

9 THE WITNESS: Yes, ma'am.

10 MS. THOMPSON: And you finished  
11 school in North Carolina.

12 THE WITNESS: Yes.

13 MS. THOMPSON: But you never went  
14 that last step to get your license in North  
15 Carolina.

16 THE WITNESS: No.

17 MR. MARTIN: Did your husband move  
18 from North Carolina to South Carolina after you  
19 finished school? Is that why you moved to South  
20 Carolina --

21 THE WITNESS: Yes.

22 MR. MARTIN: -- to get your license  
23 here?

24 THE WITNESS: Yes.

25 MS. THOMPSON: She said that her

1 husband went ahead and moved here, is what she just  
2 previously said. She stayed there. So I'm just  
3 curious as to why she didn't stay an extra couple  
4 of days and get her license there before coming  
5 here.

6 MR. MARTIN: Were you staying at  
7 home? Were you working at the time?

8 THE WITNESS: Yeah. I -- I -- I  
9 work and I -- I go to school too.

10 MS. NYE: Where did you work?

11 THE WITNESS: That time I work  
12 company (inaudible) -- company in Greensboro.

13 MR. MARTIN: Did you work at a  
14 factory?

15 THE WITNESS: Yeah, I work --

16 MR. MARTIN: You weren't doing --

17 THE WITNESS: (Inaudible.)

18 MR. MARTIN: On assembly line? Line  
19 -- assembly line? You weren't working doing hair  
20 or nails or anything like that, right --

21 THE WITNESS: No.

22 MR. MARTIN: -- at that time? You  
23 were --

24 THE WITNESS: No.

25 MR. MARTIN: -- working in a factory

1 or manufacturing? But before I -- I -- I live over  
2 there, I -- I go work in company, not do nail. When  
3 I come here, I do nail.

4 MS. THOMPSON: Mr. Martin, at what  
5 point did you realize -- because even in reading  
6 your letter here --

7 MR. MARTIN: I've got her name as  
8 spelled, absolutely.

9 MS. THOMPSON: Right. So at what  
10 point did you realize that this was the problem?  
11 And I'm a little curious as to why you didn't  
12 advise her to go ahead and start correcting it.

13 MR. MARTIN: I did. I did. I  
14 advised her to just make the issue -- to be honest  
15 with the board. I told her "Go get your driver's  
16 license changed, to reflect your name being like it  
17 is on the application."

18 MS. THOMPSON: Any reason as to why  
19 she didn't do that?

20 MR. MARTIN: I do not know, Your  
21 Honor. But that definitely will be done.

22 MS. THOMPSON: Why didn't you do  
23 that? If you hire an attorney to give you legal  
24 advice. He tells you to do something, and then you  
25 don't do it.

1 MR. MARTIN: Let's be clear here.

2 MS. THOMPSON: Okay.

3 MR. MARTIN: Her employer, Ivy's  
4 Nails in Chapin, the owner of the Ivy's Nails is a  
5 client of mine, and asked me to get involved, to  
6 make sure that --

7 MS. THOMPSON: Communicate.

8 MR. MARTIN: -- things get taken  
9 care of. Absolutely. And I advised her employer  
10 at that time, the easiest way to solve this problem  
11 was to get the driver's license changed, to reflect  
12 the correct name.

13 MS. THOMPSON: Okay. And so the  
14 client, the owner of this nail place, did they  
15 relay this message and she just opted not to?

16 MR. MARTIN: Did Kim tell you to get  
17 your driver's license changed?

18 THE WITNESS: Yes.

19 MS. THOMPSON: Why didn't you?

20 THE WITNESS: Because last time I  
21 come here, my driver license was first name Thu and  
22 Nguyen. Don't have a correct name and -- and I  
23 need to go correct full name.

24 MR. MARTIN: She also needs to get  
25 her primary residence --

1 THE WITNESS: All --

2 MR. MARTIN: -- and --

3 MS. THOMPSON: And Social Security.

4 MR. MARTIN: Correct.

5 MS. RODGERS: You just need to  
6 follow your advice counsel.

7 MR. MARTIN: Again, I know that the  
8 board has to make the motion, but I will be  
9 diligent in following up with her, making sure she  
10 does that. But until then, I would hope that she  
11 be able to, you know, be able to practice and make  
12 a living, while she's in the process of doing that.  
13 I mean, I've got her prior two licenses here.

14 MS. RODGERS: I just have -- me,  
15 this is just my personal opinion; everybody's got  
16 one, and it's just one vote. But I have a problem  
17 with some of the things that's in this history.

18 MR. MARTIN: Yeah. And I have no  
19 prior knowledge of this until I was just handed  
20 this.

21 MS. THOMPSON: At this particular  
22 point, what we need to do is have the board ask any  
23 other question that they may have of Mr. Martin or  
24 Ms. Nguyen or staff. And then at that point, I'll  
25 entertain a motion for executive session.

1 MS. CURTIS: Are you working  
2 right now, Ms. Nguyen.

3 THE WITNESS: Yes, ma'am.

4 MS. CURTIS: You are working?

5 THE WITNESS: I work at the weekend,  
6 on a weekend.

7 MS. CURTIS: You work on the  
8 weekends doing what?

9 THE WITNESS: I just stay home.  
10 Because Kim say I don't have a license.

11 MS. CURTIS: You just stay home?

12 THE WITNESS: She -- she don't let  
13 me work a full time because she say I need to have  
14 a license. She let me work --

15 MS. RODGERS: So you're working  
16 on the weekend in --

17 THE WITNESS: Yeah.

18 MS. RODGERS: -- in the nail shop.

19 THE WITNESS: Yes.

20 MS. RODGERS: But not through the  
21 week.

22 MS. CURTIS: But not through the  
23 week.

24 MS. THOMPSON: And the reason you're  
25 not working through the week is because they said

1 she can't work full time without a license. But  
2 it's okay to work part time.

3 MS. RODGERS: No, it's not.

4 THE WITNESS: Because I don't have  
5 license.

6 MR. MARTIN: Say that again.

7 MS. RODGERS: Your attorney's about  
8 to fall over.

9 MR. MARTIN: Are you working at  
10 Kim's right now?

11 THE WITNESS: Yes.

12 MS. THOMPSON: Okay. Are there any  
13 other questions from the board for Mr. Martin or  
14 Ms. Nguyen?

15 MS. RODGERS: I make a motion --

16 MS. THOMPSON: At this time I'll  
17 entertain a motion for executive session.

18 MS. RODGERS: I'll make a motion to  
19 go into executive session.

20 MS. CURTIS: Second.

21 MS. THOMPSON: I have a motion and a  
22 second for executive session. Any further  
23 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? Motion  
4 carries. We need to clear the room, please, for  
5 executive session. Mr. Martin and Ms. Nguyen,  
6 we'll be back with you.

7 MR. MARTIN: Thank you very much for  
8 hearing us.

9 MS. THOMPSON: Thank you.

10 (Executive Session.)

11 MS. WEBB: Madam Chair, I make a  
12 motion to come out of executive session.

13 MS. RODGERS: I second the motion.

14 MS. THOMPSON: I have a motion and a  
15 second. Any further discussion?

16 (NO RESPONSE.)

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

19 BOARD MEMBERS: Aye.

20 MS. THOMPSON: Opposed? Motion  
21 carries. For the record, there were no motions  
22 made or votes taken during executive session. At  
23 the moment, we are delayed just a bit, as we are  
24 trying to locate the applicant and her attorney.

25 (Brief Pause.)

1 MR. MARTIN: I apologize. We had  
2 stepped outside.

3 MS. THOMPSON: At this time, does  
4 the board have a motion in regards to the  
5 reinstatement application for Ms. Nguyen?

6 MS. WEBB: Madam Chair, I make a  
7 motion to deny due to unsatisfactory proof of  
8 qualifications to resume practice. And also, may  
9 I?

10 MS. THOMPSON: Is this part of your  
11 motion?

12 MS. WEBB: No.

13 MS. THOMPSON: I have a motion --

14 MS. RODGERS: Second the motion.

15 MS. THOMPSON: Okay. And a motion  
16 and a 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. Ms. Webb.

23 MS. WEBB: Ms. Nguyen, you are not  
24 to be working on the weekends.

25 THE WITNESS: I know.

1 MR. MARTIN: We just had a  
2 conversation to that affect.

3 MS. THOMPSON: The decision that we  
4 announced today expresses only the basic elements  
5 of our ruling in this case. Counsel or staff for  
6 the board will prepare a document which more fully  
7 expresses our conclusion in the appropriate  
8 language and format which the board has  
9 traditionally used. The final written decision  
10 must be approved by and signed by the chairman of  
11 the board, and then it will become the final order  
12 in the matter.

13 MR. MARTIN: May I just say one  
14 thing. I had no knowledge --

15 MS. THOMPSON: I understand that.

16 MR. MARTIN: Okay.

17 MS. THOMPSON: We understand that.

18 MR. MARTIN: I just wanted to  
19 make sure. We'll get this taken care of. Thank  
20 y'all so much for hearing us. We really appreciate  
21 it.

22 MS. THOMPSON: Thank you.

23 \*\*\*\*\*

24 MS. THOMPSON: Okay. So now we're  
25 going back to C. This will be Mr. Nguyen, first

1 name H-E-N-X-I-N-S.

2 COURT REPORTER: Madam Chair, that  
3 expires 2022.

4 (The witness is sworn in.)

5 MS. THOMPSON: This hearing is  
6 called to order. This is the matter of -- could  
7 you pronounce your first name for me?

8 THE WITNESS: Hensons  
9 (phonetically).

10 MS. THOMPSON: Henson.

11 THE WITNESS: Yes, ma'am.

12 MS. THOMPSON: Okay. Henxin Nguyen.  
13 Does any member of the board have reason to recuse  
14 herself from consideration of this application?

15 BOARD MEMBERS: No.

16 MS. THOMPSON: The purpose of this  
17 hearing is to determine whether the applicant  
18 should be granted a license as a cosmetologist.  
19 Everyone is reminded the proceedings are being  
20 recorded and that all witnesses must be sworn  
21 before they testify. All remarks should be  
22 directed to the chairman.

23 Mr. Ray, is the complete application packet in  
24 our material?

25 MR. RAY: Yes, ma'am.

1 MS. THOMPSON: And what question did  
2 staff have concerning the application?

3 MR. RAY: Staff just had some  
4 concerns concerning the timing of his nail tech  
5 education and the issuance of his South Carolina  
6 I.D.

7 MS. THOMPSON: Did staff subpoena  
8 any other persons to be here to answer questions we  
9 may have?

10 MR. RAY: No, ma'am.

11 MS. THOMPSON: The applicant is  
12 present. Mr. Nguyen, do you have an attorney with  
13 you today?

14 THE WITNESS: No, ma'am.

15 MS. THOMPSON: Would you like an  
16 attorney?

17 THE WITNESS: No, ma'am.

18 MS. THOMPSON: Is there anyone else  
19 here today that will be speaking on your behalf?

20 THE WITNESS: No, ma'am.

21 MS. THOMPSON: Just yourself?

22 THE WITNESS: Yes, ma'am.

23 MS. THOMPSON: Okay. You've  
24 appeared before us before?

25 THE WITNESS: No, ma'am.

1 MS. THOMPSON: You have not. Were  
2 you scheduled to appear before us before?

3 THE WITNESS: Yes, twice, but I did  
4 not receive a letter until now.

5 MS. THOMPSON: Okay. And there are  
6 issues or questions -- there are some questions and  
7 concerns about your hours that you were in school;  
8 is that correct?

9 THE WITNESS: Yes.

10 MS. THOMPSON: I'm sorry?

11 THE WITNESS: Can you repeat the  
12 question?

13 MS. THOMPSON: I'm sorry, I can't  
14 hear you.

15 THE WITNESS: Can you repeat the  
16 question?

17 MS. THOMPSON: There were hours  
18 regarding the time you spent in school.

19 THE WITNESS: Yes.

20 MS. BROWN: You said --

21 MS. THOMPSON: What did I say?

22 MS. BROWN: -- hours.

23 MS. THOMPSON: Hours? I'm sorry. I  
24 was thinking questions about your hours in school.

25 THE WITNESS: No, ma'am.

1 MS. THOMPSON: When did you enroll  
2 in school?

3 THE WITNESS: The summer before my  
4 senior year, 2010.

5 MS. THOMPSON: Summer of 2010?

6 THE WITNESS: Yes. Before --

7 MS. WEBB: May I ask something?

8 MS. THOMPSON: Yeah.

9 MS. WEBB: Okay. Where did you go  
10 to school?

11 THE WITNESS: Vision Academy for  
12 Hairdressing in --

13 MS. WEBB: And that was --

14 THE WITNESS: -- Connecticut.

15 MS. WEBB: -- where?

16 THE WITNESS: Connecticut.

17 COURT REPORTER: What did you just  
18 say the name of it?

19 THE WITNESS: Vision.

20 COURT REPORTER: Vision, okay.

21 MS. THOMPSON: Okay. So you went to  
22 Vision Academy in Connecticut --

23 THE WITNESS: Yes.

24 MS. THOMPSON: -- the summer of  
25 2010.

1 THE WITNESS: Yes.

2 MS. THOMPSON: Okay. When did you  
3 graduate from Vision Academy?

4 THE WITNESS: August 17th.

5 MS. THOMPSON: Of what year?

6 THE WITNESS: The same year.

7 MS. THOMPSON: 2010.

8 THE WITNESS: Yes.

9 MS. THOMPSON: Okay. Did you go to  
10 nail technician school? Or did you go to  
11 cosmetology school?

12 THE WITNESS: Nail technician.

13 MS. THOMPSON: So this is not for a  
14 cosmetology license.

15 THE WITNESS: No.

16 MS. THOMPSON: So we need to correct  
17 the record and it should say nail technician. So  
18 when did you enroll in school?

19 THE WITNESS: I believe it was  
20 around June or July or I don't remember. Sorry.

21 MS. THOMPSON: Okay. Did you say  
22 you graduated from high school and then you  
23 enrolled --

24 THE WITNESS: No.

25 MS. THOMPSON: -- in nail school?

1 THE WITNESS: It was the summer  
2 before my senior year high school.

3 MS. THOMPSON: So you went your  
4 junior year. You were a rising senior. You had --

5 THE WITNESS: Yes.

6 MS. THOMPSON: -- completed your  
7 junior year of high school. You enrolled in nail  
8 school during that summer, and --

9 THE WITNESS: Yes.

10 MS. THOMPSON: -- then you went to  
11 your senior year of high school after that.

12 THE WITNESS: Yes, ma'am.

13 MS. THOMPSON: What year did you  
14 graduate high school?

15 THE WITNESS: I believe it was 2011.

16 MS. THOMPSON: You believe? You  
17 don't know?

18 THE WITNESS: Because it's 2011.

19 MS. THOMPSON: Mr. Nguyen, I  
20 graduated a long time ago, and I can tell you  
21 exactly what year it was. You don't remember what  
22 year you graduated high school.

23 THE WITNESS: It's 2011.

24 ?MS. RODGERS: What school did you  
25 go to?

1 THE WITNESS: Airport High School.

2 MS. RODGERS: Where?

3 THE WITNESS: Airport High School.

4 MS. RODGERS: Where's that located?

5 THE WITNESS: West Columbia.

6 MS. THOMPSON: You seem to be a  
7 little unsure of your answers, and I'm a little  
8 confused by that.

9 THE WITNESS: Well, I don't -- I  
10 don't know where the location's at.

11 MS. THOMPSON: But do you know where  
12 -- you don't know --

13 THE WITNESS: Yes.

14 MS. THOMPSON: -- what location  
15 means? It's in Columbia, it's in Charleston, it's  
16 in Connecticut.

17 THE WITNESS: West Columbia.

18 MS. THOMPSON: Okay. Did you attend  
19 all four years there?

20 THE WITNESS: Yes, ma'am.

21 MS. THOMPSON: You did, okay. So  
22 the summer between your junior and senior year, you  
23 went to Connecticut to go to nail school. And then  
24 you came back and completed your senior year of  
25 high school.

1 THE WITNESS: Yes.

2 MS. THOMPSON: Why did you go all  
3 the way to Connecticut to go to nail school?

4 THE WITNESS: My parents wanted me  
5 to leave the house because, to get experience of  
6 life. So they send me to the friends to stay with  
7 them over the summer, to get a license to work part  
8 time with them at their shop.

9 MS. THOMPSON: In Connecticut?

10 THE WITNESS: No. To go to school  
11 there.

12 MS. THOMPSON: A license to work  
13 part time in whose shop?

14 THE WITNESS: My parent's shop.

15 MS. THOMPSON: Your parent's shop.  
16 Where are your parent's shop?

17 THE WITNESS: C.K. It's called C.K.  
18 Nails. It's in Garners Ferry Road in front of VA  
19 Hospital.

20 MS. THOMPSON: Is that in Columbia?  
21 I don't know where --

22 THE WITNESS: Yeah, it's Columbia.

23 COURT REPORTER: Did you say Garners  
24 Ferry Road?

25 (Witness nods head.)

1 MS. RODGERS: Who was your teacher  
2 at the time you were in nail school, what was her  
3 name?

4 THE WITNESS: He. His name was John  
5 Luu, L-U-U.

6 MS. RODGERS: Is that all that Mr.  
7 Luu taught was nails? Or did he teach a  
8 cosmetology class?

9 THE WITNESS: He only taught me  
10 nails. I don't know what other thing he did.

11 MS. THOMPSON: How many people were  
12 in class with you?

13 THE WITNESS: Probably from ranging  
14 from five to ten, I believe.

15 MS. THOMPSON: Five to ten?

16 THE WITNESS: Yes.

17 MS. THOMPSON: And how many days a  
18 week did you go to school?

19 THE WITNESS: Five days a week.

20 MS. RODGERS: What days were they?

21 THE WITNESS: Monday to Friday.

22 MS. RODGERS: No classes on  
23 Saturday?

24 THE WITNESS: No, ma'am.

25 MS. THOMPSON: So how is it that you

1 renewed your South Carolina or obtained your South  
2 Carolina driver's license at the same time you were  
3 supposed to be in nail school in Connecticut?

4 THE WITNESS: I received my license  
5 February of this year.

6 MS. THOMPSON: No, no. The one  
7 before that. There's an issue date of June the  
8 10th, 2010.

9 THE WITNESS: I never received my  
10 license.

11 MS. RODGERS: Driver's license.

12 MS. THOMPSON: Driver's license.

13 MS. BROWN: Driver's license.

14 MS. THOMPSON: South Carolina  
15 driver's license.

16 MS. BROWN: This is a beginner's  
17 permit.

18 MS. RODGERS: This is your  
19 beginner's permit.

20 MS. CURTIS: This is your beginner's  
21 permit.

22 MS. THOMPSON: Still, it's a South  
23 Carolina driver's license, South Carolina  
24 beginner's permit. It's issued June 10th, 2010.  
25 You said that that's when you were in school in

1 Connecticut.

2 THE WITNESS: The school in  
3 Connecticut.

4 MS. THOMPSON: So how did you get  
5 your driver's license issue, or your beginner's  
6 permit issued in South Carolina?

7 THE WITNESS: I'm not sure because I  
8 failed the permit test three times.

9 MS. THOMPSON: But this is the day  
10 -- I'm looking at this license here and it says  
11 "Issued June 10th, 2010." So it doesn't indicate  
12 that you failed it at all. This is just the date  
13 it was issued. But yet you just told us that  
14 during that time, you were in school in  
15 Connecticut.

16 MS. BROWN: Your training started on  
17 June 5th, 2010.

18 MS. RODGERS: Which is a Saturday,  
19 but you said they didn't have school on Saturday.

20 MS. CURTIS: Then you got your  
21 permit five days later on the 10th, but you were  
22 still up in Connecticut.

23 MS. BROWN: And that's a Thursday.

24 MS. THOMPSON: Can you explain that  
25 to us?

1 THE WITNESS: No, ma'am.

2 MS. THOMPSON: No. Did you go to  
3 the DMV and have this picture taken?

4 THE WITNESS: Yes.

5 MS. THOMPSON: And obtain your  
6 driver's permit.

7 THE WITNESS: Yes.

8 MS. THOMPSON: So does that mean  
9 that you weren't in Connecticut at school at that  
10 time?

11 THE WITNESS: It was on to two years  
12 ago. I'm not sure. I'm not -- I don't remember  
13 when I arrived there.

14 MS. THOMPSON: It's going to be  
15 important that you remember, to help us determine  
16 if we can grant you a license, so --

17 MS. THOMPSON: I'm sorry. I -- I  
18 don't remember.

19 MS. THOMPSON: Okay.

20 MS. WEBB: Madam Chair, I make a  
21 motion to deny.

22 MS. CURTIS: Second.

23 MS. RODGERS: Second.

24 MS. THOMPSON: I have a motion and a  
25 second to deny. 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 decision we announced today expresses  
7 only the basic element of our ruling in the case.  
8 Counsel or staff for the board will prepare a  
9 document which more fully expresses the conclusions  
10 in the appropriate language and format the board  
11 has traditionally used. The final written decision  
12 must be approved and signed by the chairman of the  
13 board and then will be the final order in this  
14 matter. Thank you, Mr. Nguyen.

15 \*\*\*\*\*

16 MS. THOMPSON: Kelsey Hough, H-O-U-  
17 G-H. I'm sorry; I may have butchered your name.

18 THE WITNESS: It's pronounced Hough,  
19 like puff.

20 COURT REPORTER: Madam Chair, it  
21 expires 2014.

22 (The witness is sworn in.)

23 MS. THOMPSON: This hearing is  
24 called to order. This is the matter of Kelsey  
25 Hough. Does any member of the board have reason to

1           recuse herself from consideration of this  
2           application?

3                           BOARD MEMBERS:  No.

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

11                         Mr. Ray, is the complete application packet in  
12          our material?

13                           MR. RAY:  Yes, ma'am.

14                           MS. THOMPSON:  And what questions  
15          did staff have?

16                           MR. RAY:  Questions concerning the  
17          nail tech school attended and her education.

18                           MS. THOMPSON:  Okay.  So I need to  
19          go back again.  This says cosmetologist, but yet  
20          this says nail tech, so which is it?

21                           MR. RAY:  Nail tech.

22                           THE WITNESS:  I'm a nail tech.

23                           MS. THOMPSON:  Nail tech.  Did staff  
24          subpoena anyone to be here today?

25                           THE WITNESS:  No, ma'am.

1 MS. THOMPSON: And the applicant is  
2 present. Ms. Hough, do you have an attorney with  
3 you today?

4 THE WITNESS: No, ma'am.

5 MS. THOMPSON: Would you like an  
6 attorney?

7 THE WITNESS: No, ma'am.

8 MS. THOMPSON: Is there anyone else  
9 here today that will be speaking for you?

10 THE WITNESS: No, ma'am.

11 MS. THOMPSON: Okay. There's some  
12 questions about where you went to school and when  
13 you went to school.

14 THE WITNESS: Okay.

15 MS. THOMPSON: Tell me, we'll where  
16 did you go to nail technician school?

17 THE WITNESS: Crystal's Beauty  
18 Academy.

19 MS. THOMPSON: Which is where?

20 THE WITNESS: In Virginia.

21 COURT REPORTER: What was the name?  
22 I didn't hear her.

23 THE WITNESS: Crystal's. Crystal's  
24 Beauty Academy.

25 COURT REPORTER: I just need you to

1 speak up from there, okay?

2 THE WITNESS: Okay.

3 COURT REPORTER: Thank you.

4 MS. THOMPSON: And when were you  
5 enrolled in school?

6 THE WITNESS: From July to  
7 September.

8 MS. THOMPSON: We're going to have  
9 to have you speak up.

10 THE WITNESS: July to September.

11 MS. THOMPSON: Of what year?

12 THE WITNESS: 2011.

13 MS. THOMPSON: 2011?

14 THE WITNESS: Uh-huh.

15 MS. THOMPSON: And how many hours  
16 did you complete?

17 THE WITNESS: Four hundred.

18 MS. THOMPSON: And what days of the  
19 week did you go to school?

20 THE WITNESS: Monday through Friday.

21 MS. THOMPSON: From what time to  
22 what time?

23 THE WITNESS: Nine to five.

24 MS. THOMPSON: Did you take a lunch  
25 break?

1 THE WITNESS: Yes.

2 MS. THOMPSON: How long?

3 THE WITNESS: Thirty, forty-five  
4 minutes.

5 MS. THOMPSON: Did it vary by the  
6 day? Or did you have a designated, set time?

7 THE WITNESS: The teacher -- I mean,  
8 she was pretty cool about it. It was just --

9 MS. THOMPSON: How did you keep  
10 track of your time at school? Did you sign in?  
11 Did you use a computer? Did you use a time clock?

12 THE WITNESS: Yeah, we signed in.  
13 At the beginning of class, you had to sign in, and  
14 then sign out during the lunch break.

15 MS. THOMPSON: And so how did they  
16 keep a record of how many hours you had completed,  
17 to know when it was time to graduate?

18 THE WITNESS: Can you repeat the  
19 question?

20 MS. THOMPSON: Uh-huh. When you  
21 were attending school, obviously you have to go for  
22 a certain number of hours. How did your school  
23 keep track of how many hours you had completed, so  
24 that you would know how close you were getting to  
25 completion of the course?

1 THE WITNESS: As long as you were  
2 signed in -- and if you went on a lunch break and  
3 you came back too late, sometimes she would mark  
4 you absent for that day. So just as long as you  
5 were on time for that, if that's what you're  
6 asking.

7 MS. THOMPSON: But were you given a  
8 record or a journal or a time sheet at any time,  
9 monthly, weekly, quarterly, at all, to show you how  
10 many hours you had competed?

11 THE WITNESS: Yeah. At the end of  
12 the month, we did.

13 MS. THOMPSON: At the end of each  
14 month.

15 THE WITNESS: Yes.

16 MS. RODGERS: Was this just a nail  
17 technical school? Or was it cosmetology, nails?

18 THE WITNESS: It was cosmetology  
19 because I saw like other people getting -- doing  
20 stuff for hair too.

21 MS. RODGERS: So about how many were  
22 in your class, your nail class?

23 THE WITNESS: I'd say like 16 or 17.

24 MS. RODGERS: With one teacher? or  
25 two?

1 THE WITNESS: One.

2 MS. WEBB: Has any of that changed?  
3 Any of the school changed at all? It's all  
4 cosmetology? Or is it nails and cosmetology? Or  
5 separate? Or what?

6 THE WITNESS: Well, I mean, when you  
7 walk in the school, they are separate. The nail  
8 technician side and the cosmetology side. But they  
9 do, do both.

10 MS. WEBB: Who was your instructor?

11 THE WITNESS: Ms. Young.

12 MS. WEBB: Young?

13 THE WITNESS: Uh-huh.

14 MS. THOMPSON: Ms. Hough, when you  
15 filled out your application to take the exam, did  
16 you fill that out? Or did someone fill it out for  
17 you?

18 THE WITNESS: When I filled out to  
19 take the --

20 MS. THOMPSON: To take the exam.

21 THE WITNESS: I did it, yeah.

22 MS. THOMPSON: You filled it out.

23 THE WITNESS: Uh-huh.

24 MS. THOMPSON: Did you realize that  
25 you wrote that you enrolled in school in July, and

1 that you finished school in September, but yet you  
2 graduated in August?

3 THE WITNESS: Graduated high school?

4 MS. THOMPSON: No, this is referring  
5 to when you were in Crystal's Beauty Academy. You  
6 wrote enrolled from July 2011 to September 2011.  
7 And then graduation date you listed as August the  
8 9th, 2011. So the way you listed this is that you  
9 graduated a month before you finished the program.

10 THE WITNESS: I might have made a  
11 mistake.

12 MS. THOMPSON: But now, how were you  
13 in nail school in Virginia when you were still in  
14 high school in South Carolina?

15 THE WITNESS: I was -- I graduated  
16 December of '09. I was on an early graduation  
17 plan. So my diploma says 2010, but I actually  
18 graduated December of 2009. I got out early.

19 MS. THOMPSON: Okay. So you  
20 graduated early, 2009.

21 THE WITNESS: Uh-huh.

22 MS. THOMPSON: And then when did you  
23 go to Virginia?

24 THE WITNESS: I went in November.  
25 Yeah, around November.

1 MS. THOMPSON: Of what year?

2 THE WITNESS: 2011. No, November  
3 2010. Yeah, November of 2010.

4 MS. THOMPSON: You just said you --  
5 November 2010.

6 THE WITNESS: Or wait, yeah, 2011.  
7 Sorry.

8 MS. THOMPSON: Okay. 2011, in  
9 November, if you went to Virginia in 2011,  
10 November, then that was after you said you  
11 graduated school in Virginia. I know that kind of  
12 gets confusing.

13 THE WITNESS: Yeah. I -- I am  
14 confusing the days.

15 MS. THOMPSON: Take just a minute.

16 THE WITNESS: Okay. I graduated  
17 high school December, it was still 2009.

18 MS. THOMPSON: 2009.

19 THE WITNESS: And then 2010 --

20 MS. THOMPSON: Did you then go back?  
21 Did you go through the graduation ceremony with the  
22 rest of your class? Or when you finished in  
23 December, you were just done. You didn't --

24 THE WITNESS: Yeah, I was just --

25 MS. THOMPSON: -- go back and go to

1 a ceremony?

2 THE WITNESS: -- I was just done.

3 But I was in Virginia for -- yeah, I was there from  
4 March to -- all the way through school, March  
5 something.

6 MS. THOMPSON: You were in Virginia.

7 THE WITNESS: March/April, yeah,  
8 because I remember --

9 MS. THOMPSON: March of --

10 THE WITNESS: -- celebrating --

11 MS. THOMPSON: -- what year?

12 THE WITNESS: March 2010, I want to  
13 say, because I remember celebrating --

14 MS. THOMPSON: March 2010 until  
15 when?

16 THE WITNESS: Until I was done with  
17 school.

18 MS. THOMPSON: Which was when?

19 THE WITNESS: September.

20 MS. THOMPSON: Of?

21 THE WITNESS: 2011.

22 MS. THOMPSON: So you were in -- and  
23 you enrolled in school when?

24 THE WITNESS: It was July 2011.

25 MS. THOMPSON: And what took you to

1 Virginia?

2 THE WITNESS: The guy I liked. I  
3 was there with a guy.

4 MS. THOMPSON: So you moved to  
5 Virginia to be with a boyfriend.

6 THE WITNESS: Yeah.

7 MS. THOMPSON: Okay. And you went  
8 in March of 2010, but then you waited until July of  
9 2011 to enroll in school.

10 THE WITNESS: Yeah.

11 MS. THOMPSON: Okay. When did you  
12 come back to South Carolina?

13 THE WITNESS: It wasn't very long  
14 after I was done with school. December. Yeah, it  
15 was like December I came back. I was --

16 MS. THOMPSON: December?

17 THE WITNESS: -- still there --  
18 yeah. After school, I was still there for --

19 MS. THOMPSON: December of what  
20 year?

21 THE WITNESS: 2011.

22 MS. THOMPSON: Which would have been  
23 this past December, correct?

24 THE WITNESS: Yeah, this past  
25 December.

1 MS. THOMPSON: And so did you say  
2 that they were teaching -- at the school you went  
3 to, there were cosmetology students there, as well  
4 as nail technician students there?

5 THE WITNESS: Yes.

6 MS. THOMPSON: And you were enrolled  
7 in the nail technician program.

8 THE WITNESS: Yes, ma'am.

9 MS. THOMPSON: Okay. Are you aware  
10 that the Virginia Board of Cosmetology only  
11 recognizes Crystal's Beauty Academy as a  
12 cosmetology school?

13 THE WITNESS: I just know that it's  
14 called Crystal's Beauty Academy. But I was -- I  
15 had the option of enrolling in cosmetology, but I  
16 chose nail technician.

17 MS. THOMPSON: How did you select  
18 Crystal's Beauty Academy to be the school that you  
19 attended?

20 THE WITNESS: It was close to where  
21 I was staying in Virginia, so that's why.

22 MS. THOMPSON: But did you look into  
23 it? Did you do any research into it before you  
24 made your decision to go to that school?

25 THE WITNESS: I did research on it

1 before I went there, before I even moved. And it  
2 was close to where he lived, so that's why I chose  
3 it. It was just a school, so I chose it.

4 MS. CURTIS: Did you receive your  
5 license in Virginia?

6 THE WITNESS: No, I --

7 MS. CURTIS: Did you test in  
8 Virginia?

9 THE WITNESS: No, I took both of my  
10 exam, theory and practical, here.

11 MS. CURTIS: But you didn't do any  
12 of that in Virginia then.

13 THE WITNESS: No.

14 MS. THOMPSON: Have you been back to  
15 Virginia since December?

16 THE WITNESS: I visited for two  
17 days, yes.

18 MS. THOMPSON: When was that?

19 THE WITNESS: That was around --  
20 yeah, it was right before New Year's.

21 MS. THOMPSON: Okay. So you came  
22 back to South Carolina in December --

23 THE WITNESS: Uh-huh.

24 MS. THOMPSON: -- of 2011, but then  
25 you went back to Virginia sometime around New

1 Year's, which would have been the beginning of  
2 2012.

3 THE WITNESS: Yes. And it was only  
4 for a couple of days, though.

5 MS. THOMPSON: Right. But since  
6 then, you've not been back?

7 THE WITNESS: No.

8 MS. BROWN: Let me ask, have you  
9 already taken your tests?

10 THE WITNESS: Yes. I've taken both  
11 of them and passed.

12 MS. BROWN: When did you take your  
13 tests?

14 THE WITNESS: Was it December?  
15 December, I guess, when -- when I got back here.

16 MS. THOMPSON: When you were doing  
17 your research, I know that you said this school was  
18 located close to where you were going to be living,  
19 and I understand that completely, but what other  
20 research did you do in trying to make a  
21 determination about that school? Did you ask any  
22 friends? Or had someone recommended it? Did the  
23 boy you went to live with, did --

24 THE WITNESS: Yeah, he was the one  
25 who told me about it, because he knew I wanted to

1 get into nails, and he was the one who told me that  
2 it was -- there was a school near where he lived,  
3 so I wouldn't have to worry about school and  
4 traveling far to go to school.

5 MS. THOMPSON: Right. So did you do  
6 any other kind of research?

7 THE WITNESS: No, that's about it.  
8 I Googled it and that's about it.

9 MS. THOMPSON: Because the problem  
10 I'm having is that the Virginia State Board, the  
11 board, just like us, but in the State of Virginia,  
12 says that this particular school is only licensed  
13 to teach cosmetology and issue cosmetology license,  
14 that this school is not authorized to teach a nail  
15 technician program.

16 THE WITNESS: Is there anything that  
17 was changed or something? Because when I went  
18 there I was -- I did find that the previous owner  
19 of the school had died and that it was Crystal as  
20 soon as I got there. That's all I know. I don't  
21 know any other information. But it could have  
22 changed since then.

23 MS. THOMPSON: Well, and I don't  
24 know that. I don't know the answer to that  
25 question. But when staff is trying to verify

1 credentials coming in from other states, they just  
2 check into that particular school. And this is  
3 what they're being told by the Virginia Board.

4 Byron, I think Bridget was the one doing the  
5 research?

6 MR. RAY: Right.

7 MS. THOMPSON: Bridget, do you, by  
8 chance, recall asking, or Virginia offering as to  
9 when that policy may have been implemented? Or if  
10 that school had --

11 MS. JENKINS: When I spoke with  
12 Virginia Board and I asked were any change of the  
13 school name or address, and she said not to their  
14 knowledge. If so, then they report it to the  
15 board. But what she emailed me stating they're  
16 only allowed to teach cosmetologists.

17 MS. THOMPSON: They're only allowed  
18 to teach --

19 MS. JENKINS: Yeah. And that email  
20 should be in your packet.

21 MS. THOMPSON: It is, and that's  
22 what I'm looking at.

23 MS. JENKINS: That came from the  
24 board.

25 MS. THOMPSON: I'm just wondering if

1           that status had changed within the last couple of  
2           years? Or --

3                       MS. JENKINS: This is on the  
4           second one, when she emailed me on a Wednesday.

5                       MS. THOMPSON: I understand that.  
6           I'm just wondering if possibly in 2011, if they  
7           were authorized to teach nails and cos. Or did she  
8           know specifically you were inquiring about someone  
9           from 2011.

10                      MS. JENKINS: Correct, from this  
11           particular school. And I asked her was there any  
12           name change, or any address change, and she said  
13           "If it was, they didn't report it to the board."  
14           And under that school, that license number, that's  
15           what pulled up, and it's only able to teach  
16           cosmetology, not nail tech. Because on the  
17           application, it had --

18                      MS. RODGERS: What was the name of  
19           that when you put that number in? Did it come up  
20           Crystal? Or did it come up Virginia School? Or --

21                      MS. JENKINS: It came up Crystal.

22                      MS. THOMPSON: Okay. So just to  
23           make sure that we're all clear, the research you  
24           have done and spoken to the Virginia Board, they  
25           were clear that you were inquiring about 2011.

1 MS. JENKINS: Correct.

2 MS. THOMPSON: To their knowledge,  
3 there had been no changes in name or address for  
4 that school.

5 MS. JENKINS: Correct.

6 MS. THOMPSON: And at that time,  
7 Virginia Board only acknowledged that school being  
8 licensed to teach the cosmetology program.

9 MS. JENKINS: Correct.

10 MS. THOMPSON: Okay. The problem  
11 that we have, Ms. Hough, is I'm not sure if maybe  
12 you were mislead in enrolling. I really don't  
13 know. But the only way that we can really validate  
14 and take your hours of training from another state  
15 is if that state validates them. Virginia is  
16 saying that they can't and won't validate your  
17 training because that school does not -- they're  
18 not licensed to teach the program that you took.  
19 So in South Carolina, what we have to do is rely on  
20 the other states and their boards and their staff  
21 to determine whether your hours were legitimate or  
22 not. They're saying they can't do that. So we  
23 can't very well take hours that your own state  
24 where that school is won't authorize. That's the  
25 quandary that we're in right now.

1 MS. BROWN: I was thinking what you  
2 were saying, that they do not approve, because  
3 they did not say that they taught cos. And they  
4 didn't say they taught nail technician or nail  
5 technology --

6 MS. THOMPSON: Right.

7 MS. BROWN: -- at the school.

8 MS. THOMPSON: She's saying she  
9 enrolled in the nail tech program in the school.

10 MS. BROWN: And so what I'm saying  
11 with you is that Virginia says that this school  
12 only taught cosmetology.

13 MS. THOMPSON: Yes.

14 MS. BROWN: But even though we know  
15 cosmetology is a part, you know, nail technology is  
16 a part of cosmetology.

17 MS. RODGERS: But you have to get  
18 the whole --

19 MS. BROWN: But do they have a  
20 separate program, but do they have a program  
21 that --

22 MS. RODGERS: No.

23 MS. BROWN: -- states that they  
24 do --

25 MS. RODGERS: And you have to do --

1 MS. BROWN: -- teach nail  
2 technology.

3 MS. RODGERS: -- the whole 1500  
4 hours in your cosmetology.

5 MS. CURTIS: Exactly.

6 MS. THOMPSON: Right. Their  
7 cosmetology program entails many more hours, the  
8 same as ours.

9 MS. BROWN: Yes.

10 MS. THOMPSON: So what Virginia is  
11 saying is that --

12 MS. RODGERS: You can't just enroll  
13 in nail technician school.

14 MS. BROWN: In just nail tech.

15 MS. THOMPSON: At that school. Now,  
16 not across the state, just at that school.

17 MS. BROWN: How come the certificate  
18 says that?

19 MS. THOMPSON: Well, because someone  
20 printed it.

21 MS. WEBB: And how come cosmetology  
22 and the nails --

23 MS. BROWN: So this is very curious.

24 MS. THOMPSON: It is. And it's  
25 unfortunate that you seem to be caught in the

1 middle. But the reality of it is that our hands  
2 are kind of tied. I mean, what I would perhaps  
3 recommend is that you take this up with Virginia  
4 and their board and this school. And if nothing  
5 else, try and obtain licensure in Virginia, and  
6 then possibly endorse into this state with your  
7 Virginia license. But as I said, really the only  
8 option we have is that we have to go on what  
9 Virginia says. And Virginia won't sign off on your  
10 hours from this school.

11 THE WITNESS: So what -- what would  
12 I need -- I just need them to get them to sign off  
13 on it? Or I'm kind of confused as to --

14 MS. THOMPSON: You enrolled in  
15 school.

16 THE WITNESS: Uh-huh.

17 MS. THOMPSON: The Virginia Board  
18 has to license the school, just as in South  
19 Carolina. We have to approve the schools in South  
20 Carolina, the ones who can legitimately educate  
21 students to get their license, okay? Virginia does  
22 the same. Virginia is saying that they have only  
23 licensed Crystal's Academy to teach cosmetology  
24 programs. Hence, their students will graduate and  
25 obtain cosmetology license.

1 THE WITNESS: Uh-huh.

2 MS. THOMPSON: Virginia Board is  
3 saying that that school is not approved to do a  
4 nail technician curriculum and have nail  
5 technicians test and become licensed as nail  
6 technicians.

7 THE WITNESS: Uh-huh.

8 MS. THOMPSON: Because Virginia  
9 won't validate that the hours you received in that  
10 school were approved and legitimate, we can't take  
11 those as proof of training, to give you your South  
12 Carolina license. What my recommendation to you  
13 would be is to go to Virginia -- not initially go,  
14 but contact Virginia, the State Board, explain to  
15 them what has happened and perhaps they can offer  
16 you some assistance in getting to the bottom of why  
17 this happened to you, how you were able to enroll  
18 in the school and attend school for 400 hours, and  
19 then now no one will certify your hours.

20 THE WITNESS: Uh-huh.

21 MS. THOMPSON: And perhaps, you  
22 know, Virginia can pursue that. If nothing else,  
23 perhaps you could -- if you can get them to  
24 validate it or if you are able -- and I don't know  
25 Virginia's law -- but if you are able to go and

1 test and get your license, even from a school  
2 that's not approved by State Board, perhaps get  
3 your Virginia license, and then apply to South  
4 Carolina for endorsement into our state, using your  
5 Virginia license. Does that make sense? I know it  
6 seems --

7 THE WITNESS: So it doesn't matter  
8 that I've taken both my tests here and passed?

9 MS. THOMPSON: Not at this point  
10 because it's a question of your training, the hours  
11 that you attended school. And because Virginia  
12 won't sign off and say "Yes, you got them, they've  
13 valid, they're current," we can't accept that.

14 MS. MCCARTHA: You have to have both  
15 the education and the tests. You have to have  
16 both. Plus, you need to be over 16 and have a  
17 tenth grade education. We see you've graduated  
18 from high school. But it's the requirement that  
19 you have 300 hours in classes in a reliable nail  
20 technician school approved by the board, or  
21 comparable training, that Ms. Thompson here is  
22 telling you that is a problem. Because she's  
23 telling you that she can't accept your training  
24 from Virginia.

25 MS. RODGERS: Because Virginia won't

1 sign off on those hours.

2 MS. THOMPSON: It's not that we  
3 don't want to accept it. It's that the home state  
4 of the school you went to won't even accept them.  
5 So if they won't accept them, then South Carolina  
6 can't accept them. Okay?

7 So at this time what we're going to have to  
8 do, I'm going to request that the board consider a  
9 motion to deny this application. We will have to  
10 deny you at this particular point. But I'm  
11 encouraging you to pursue it with Virginia, okay?  
12 And then hopefully you can resolve it that way.  
13 And then you can come back to us via an endorsement  
14 application and hopefully get you licensed in South  
15 Carolina that way. Okay? So at this time, I would  
16 ask the board --

17 MS. RODGERS: Madam Chair, I'm ready  
18 to make a motion to deny.

19 MS. CURTIS: Second.

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

22 (NO RESPONSE.)

23 MS. THOMPSON: Hearing none, all in  
24 favor, signify by saying aye.

25 BOARD MEMBERS: Aye.

1 MS. THOMPSON: Opposed? The motion  
2 carries. The decision we announced today expresses  
3 only the basic element of our ruling in the case.  
4 Counsel or staff for the board will prepare a  
5 document which more fully expresses the conclusions  
6 in the appropriate language and format which the  
7 board has traditionally used. The final written  
8 decision must be approved and signed by the  
9 chairman and will be the final order in the matter.  
10 Thank you, Ms. Hough, and I'm sorry.

11 \*\*\*\*\*

12 MS. THOMPSON: Okay. Next on the  
13 agenda, we have Danielle Lawson.

14 COURT REPORTER: It expires 2016,  
15 Madam Chair.

16 (The witness is sworn in.)

17 MS. THOMPSON: Okay. Ms. Lawson, it  
18 looks here that you are asking the board for  
19 approval to teach the Methods of Teaching course.

20 THE WITNESS: Yes, ma'am.

21 MS. THOMPSON: In your cover letter  
22 it says that this is the second time that you've  
23 requested this.

24 THE WITNESS: Yes, ma'am.

25 MS. THOMPSON: I'm looking through

1 this, and if I'm missing something -- there's a lot  
2 of paperwork that we've looked at in the last  
3 couple days. So if I'm overlooking something,  
4 please, please, please help me see that. But as  
5 you know, you stated it in your letter, South  
6 Carolina requires that you have a master's degree  
7 in education or an expertise in a board-approved  
8 related field, which we have established is  
9 teaching others how to teach, that time spent in a  
10 classroom teaching students how to obtain their  
11 cosmetology or nail tech or skin license, or  
12 esthetics license is not expertise in the related  
13 field. You actually have to show expertise in  
14 teaching others how to teach.

15 THE WITNESS: Yes, ma'am.

16 MS. THOMPSON: Okay. Is that  
17 somewhere in here?

18 THE WITNESS: Actually, just the  
19 fact I've been teaching for ten years. And I've  
20 also taught the instructor training program, both  
21 in Pennsylvania and South Carolina.

22 MS. THOMPSON: Right.

23 THE WITNESS: So --

24 MS. THOMPSON: But that's not the  
25 same.

1 THE WITNESS: Why?

2 MS. THOMPSON: Well, because you're  
3 not teaching -- you're teaching of the student  
4 training program is specifically for -- and you're  
5 talking cosmetology, right?

6 THE WITNESS: Correct.

7 MS. THOMPSON: You're teaching an  
8 individual to teach a cosmetology class, which is  
9 primarily specific to the cosmetology industry.

10 THE WITNESS: Correct.

11 MS. THOMPSON: Historically what we  
12 have done, and if you have certificates that show a  
13 more in-depth -- and if I'm speaking out of turn, I  
14 really want you to show me which one. But  
15 historically, we've had people show us that they  
16 have actually taken non-cosmetology-specific  
17 training on teaching others how to teach, that you  
18 are just getting teaching methodology, your  
19 conflict resolution, grading, lesson plan, things  
20 that have nothing to do with cosmetology, just  
21 about teaching how to teach.

22 THE WITNESS: Okay.

23 MS. THOMPSON: Is that somewhere in  
24 here?

25 THE WITNESS: There -- what I did

1 present to you was my official transcript from  
2 Empire Education Group, which is cosmetology-  
3 related. It is a teacher training program. I did  
4 seven months. Do you have that in --

5 MS. THOMPSON: I'm not sure. Do you  
6 have it with you?

7 THE WITNESS: I -- I have  
8 actually --

9 MS. THOMPSON: Show me so I --

10 THE WITNESS: -- two different ones.

11 MS. THOMPSON: -- know what I'm  
12 looking for.

13 THE WITNESS: This is a simplified  
14 one. So I actually did have, I mean, classroom  
15 management. I've gone through an instructor  
16 training program. I did more than 45 hours, that  
17 South Carolina requires.

18 MS. THOMPSON: Right. And again,  
19 that's the methods of teaching, and that is not the  
20 same as what this is. You're actually asking to  
21 teach that 45 hours.

22 THE WITNESS: Correct.

23 MS. THOMPSON: Which is the methods  
24 part. That's where the expertise in teaching  
25 others how to teach comes in.

1 THE WITNESS: Okay. So as far --  
2 with your regulations that state "Having expertise  
3 in a board-approved related field," the fact that  
4 I've been teaching ten years, preparing lesson  
5 plans and teaching like that, so that doesn't  
6 qualify as expertise?

7 MS. THOMPSON: It qualifies as  
8 expertise in being an instructor for cosmetology,  
9 in my opinion, yes. But it doesn't qualify as  
10 having expertise in teaching others how to teach.

11 THE WITNESS: Even -- forgive me if  
12 I'm, you know, being redundant, I mean. An  
13 instructor training course --

14 MS. THOMPSON: Is that the only  
15 thing you've taught for the past ten years is  
16 instructor training programs?

17 THE WITNESS: No.

18 MS. THOMPSON: Or you've taught  
19 cosmetology programs?

20 THE WITNESS: No, I've taught  
21 cosmetology, as well as the instructor training --

22 MS. THOMPSON: Right.

23 THE WITNESS: -- program.

24 MS. THOMPSON: So in the last ten  
25 years, the instructor training program is a one-to-

1 one ratio. So in the last ten years, how many  
2 students have you taken through the entire  
3 instructor training program, all 750 hours?

4 THE WITNESS: I'd say three.

5 MS. THOMPSON: Okay. That's not  
6 really expertise. See that's my point.

7 THE WITNESS: I feel like that's a  
8 slap in the face --

9 MS. THOMPSON: And I don't want it  
10 to -- I honestly -- that's not my intention at all.  
11 In looking at this, you are very qualified in the  
12 cosmetology field and you're probably a phenomenal  
13 cosmetology instructor. I have no reason to  
14 believe that you're not. But to teach others how  
15 to become a teacher, you have to prove expertise in  
16 that field.

17 THE WITNESS: Okay.

18 MS. THOMPSON: And teaching three  
19 cycles of a 750 hour course doesn't really  
20 demonstrate expertise in doing that. You've  
21 demonstrated expertise in cosmetology, no question;  
22 no question.

23 THE WITNESS: So you're stating that  
24 I cannot teach others to do what I do? I've been  
25 in the classroom for ten years. I've been

1 preparing lesson plans for ten years. So you're  
2 telling that I'm not qualified --

3 MS. THOMPSON: No, ma'am.

4 THE WITNESS: -- to teach?

5 MS. THOMPSON: I'm personally not  
6 saying you're not qualified. I'm saying that the  
7 board, in determining decisions for all the years  
8 past, up until now, that they make determinations  
9 based on proving expertise in teaching others how  
10 to teach, having nothing to do with you teaching in  
11 the cosmetology program.

12 MS. RODGERS: In teaching a  
13 student.

14 MS. THOMPSON: You've proven  
15 yourself as a great instructor to students. But  
16 you have to prove yourself as a great instructor to  
17 teaching others how to become an instructor.  
18 Personally, I'm not saying one way or the other.  
19 It's the stance and the position of the board for  
20 as many years back as I can remember, and it's --  
21 you know, as you just said, the regulation  
22 specifies expertise in a board-approved related  
23 field. I can't change that. I apologize. If I  
24 could personally do something to help you, I'd be  
25 glad to do it, but I can't.

1           Are there any other questions from the board  
2 members?

3                   MS. RODGERS: Madam Chair, I make a  
4 motion to deny the applicant.

5                   MS. THOMPSON: I have a motion to  
6 deny. Do I have a second?

7                   MS. WEBB: Second.

8                   MS. THOMPSON: I have a motion and a  
9 second. Any further discussion?

10                   (NO RESPONSE.)

11                   MS. THOMPSON: Hearing none, all in  
12 favor, signify by saying aye.

13                   BOARD MEMBERS: Aye.

14                   MS. THOMPSON: Opposed? Motion  
15 carries. Ms. Lawson, I apologize. I'm sure you're  
16 going to continue teaching.

17                   THE WITNESS: I am.

18                   MS. THOMPSON: And you can most  
19 definitely reapply when perhaps you've had more  
20 training and teaching the instructor program and  
21 have more experience under your belt in that  
22 particular field.

23                   THE WITNESS: Thank you.

24                   MS. THOMPSON: Thank you.

25                                   \*\*\*\*\*

1 MS. THOMPSON: Next on the list is  
2 approval for continuing education changes, Karen  
3 Stacks, Beauty Industry Group.

4 COURT REPORTER: And her expiration  
5 is 2015.

6 (The witness is sworn in.)

7 MS. THOMPSON: Okay. Ms. Stacks,  
8 I'm reading an email sent right here, that you sent  
9 April 23rd.

10 THE WITNESS: Right.

11 MS. THOMPSON: The first thing I  
12 need to be sure of is that you've written in here  
13 three changes. The board adopted a new policy in  
14 November.

15 THE WITNESS: Is it three changes?

16 MS. THOMPSON: It's five. It's now  
17 five. It was three previously. But due to some  
18 questions and concern with some of the associations  
19 asking for some leniency on that, due to the size  
20 of their organization, we increased it to five.

21 THE WITNESS: Okay.

22 MS. THOMPSON: Okay. Give me the  
23 brief overview of this.

24 THE WITNESS: I was having a issue  
25 with the place that we booked with. And what I did

1 was, as I was getting ready to redo the  
2 reservations, I realized that it was a mistake in  
3 there. They didn't have the date. So it was a  
4 Marriott that was like sort of, not right next to  
5 it, but maybe like quarter of a mile down. But I  
6 was able to book there. So I booked at -- I did go  
7 on and reserve it for the Marriott. That was one  
8 thing.

9 Other thing, I had sent out some flyers for a  
10 class, which was an instructor's class. Thought it  
11 was on there. Did not double-check, but I also had  
12 a instructor's class for that Sunday. And I had a  
13 cosmetology class for that Monday. The cosmetology  
14 class was on there, but the instructor's class was  
15 not.

16 MS. THOMPSON: Okay. So am I  
17 understanding that you need to move a location --

18 THE WITNESS: Right.

19 MS. THOMPSON: -- for an already-  
20 approved existing class.

21 THE WITNESS: Right.

22 MS. THOMPSON: But in addition to  
23 that, you need to correct a mistake and you need to  
24 need to add an instructor class --

25 THE WITNESS: Instructor's class.

1 MS. THOMPSON: -- to the same  
2 location that we're moving the first class to? So  
3 essentially --

4 THE WITNESS: Right.

5 MS. THOMPSON: -- this is two  
6 changes.

7 THE WITNESS: Right. And the other  
8 thing that I was saying that, just so that nobody  
9 would get like lost, because I know when the board  
10 has one, I was saying that I would just put a  
11 person there that morning, that if anybody came  
12 there just by mistake, they would just send them  
13 over, versus like having that particular place tell  
14 them. I would just place a person there --

15 MS. THOMPSON: Right.

16 THE WITNESS: -- to let them know  
17 just to come up the street.

18 MS. THOMPSON: And Byron, can you  
19 give me an idea of when we have a situation like  
20 this where we do have a change and it meets the 45  
21 day, all that, how long does it take for us to get  
22 the change implemented on the website?

23 MR. RAY: Just a couple of days,  
24 typically, just depending on how backed up Melissa  
25 is.

1 MS. THOMPSON: Well, okay.

2 MR. RAY: Sometimes she turns it  
3 around real quickly.

4 MS. THOMPSON: Do we have a way of  
5 prioritizing this? I mean, I'm sure Melissa is  
6 probably bogged down with all of the LLR website  
7 stuff. But in this particular situation, if the  
8 board decides to approve these changes, that class  
9 is happening in a week.

10 MR. RAY: Sure we can. Sure.

11 MS. THOMPSON: All right. So,  
12 Karen, so just to be certain I'm understanding, we  
13 have two changes here.

14 THE WITNESS: Right. Correct.

15 MS. THOMPSON: Change of a date --

16 THE WITNESS: And adding a --

17 MS. THOMPSON: -- and adding a --

18 THE WITNESS: -- instructor --

19 MS. THOMPSON: -- particular class.

20 THE WITNESS: Correct.

21 MS. THOMPSON: The instructor class  
22 that you want to offer on that date, is it already  
23 an agenda that we approved in November?

24 THE WITNESS: The class? Yeah, we  
25 already -- you had already approved it.

1 MS. THOMPSON: Right. So you're  
2 using a lesson plan, an agenda --

3 THE WITNESS: Exactly. Same.

4 MS. THOMPSON: All the same.

5 THE WITNESS: Right.

6 MS. THOMPSON: An instructor that's  
7 already approved?

8 THE WITNESS: Instructors that's  
9 approved.

10 MS. THOMPSON: Okay. So it's just  
11 simply an addition of a class date.

12 THE WITNESS: Correct.

13 MS. THOMPSON: And they're both  
14 going to be held at which of the hotels, did you  
15 say?

16 THE WITNESS: The Marriott. The  
17 Summit Point is the --

18 MS. THOMPSON: I'm probably looking  
19 over this 50 times. What was the name of the hotel  
20 where you originally had said that you were going?

21 THE WITNESS: Summit. Just call it  
22 Summit Point.

23 MS. THOMPSON: So it's still a  
24 Marriott; it's just a different --

25 THE WITNESS: Did I not --

1 MS. THOMPSON: Okay. Got you.

2 THE WITNESS: Summit Point is really  
3 not a -- it's like a venue more so than a hotel.

4 MS. THOMPSON: So we're moving from  
5 the venue of Summit Point to the hotel of the  
6 Marriott.

7 THE WITNESS: Right.

8 MS. THOMPSON: Okay. And did we  
9 verify that the request came in, it meets the 45  
10 day guideline, board members? From, let's see, the  
11 original submission of the email.

12 MR. RAY: April 3rd.

13 MS. THOMPSON: April 3rd. So, yes,  
14 that should be, unless my addition is completely  
15 off. Okay. Any other questions? Any other  
16 concerns?

17 MS. NYE: I make a motion to approve  
18 the two changes for the continuing education class.

19 MS. CURTIS: Second.

20 MS. RODGERS: Second.

21 MS. THOMPSON: I have a motion and a  
22 second. 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.

4 THE WITNESS: Thank you.

5 MS. THOMPSON: Thank you.

6 MS. RODGERS: Make a motion to take  
7 a five minute break.

8 MS. THOMPSON: I have a motion to  
9 take a five minute recess. Do I have a second?

10 MS. CURTIS: Second.

11 MS. THOMPSON: Motion and a second.  
12 Any further discussion?

13 (NO RESPONSE.)

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

16 BOARD MEMBERS: Aye.

17 MS. THOMPSON: We're going to take  
18 just a five minute break.

19 (Off the record.)

20 MS. THOMPSON: I'll call the meeting  
21 back to order. We are now to Bernice Settles.

22 COURT REPORTER: Madam Chair, it  
23 expires December of '12.

24 (The witness is sworn in.)

25 MS. THOMPSON: Hi, Ms. Settles.

1 THE WITNESS: Hi.

2 MS. THOMPSON: It's looking like --  
3 I have two emails here. The first email you're  
4 wanting to change a lesson plan for a class on May  
5 21st; is that correct?

6 THE WITNESS: Yes.

7 MS. THOMPSON: Okay. And do you  
8 want to change -- the lesson plan you want to teach  
9 on the 21st is Hands-on Hair cutting?

10 THE WITNESS: From Hands-on  
11 Hair cutting.

12 MS. THOMPSON: From. To --

13 THE WITNESS: To --

14 MS. THOMPSON: -- Texture Fusion?

15 THE WITNESS: That's correct.

16 MS. THOMPSON: Now, what is Texture  
17 Fusion?

18 THE WITNESS: Texture Fusion is just  
19 the breakdown of texture, our hair.

20 MS. THOMPSON: Okay. But texture  
21 fusion is not a product company?

22 THE WITNESS: No.

23 MS. THOMPSON: No. They don't  
24 distribute any particular hair products? Or they  
25 don't market anything specific with that name,

1 Texture Fusion.

2 THE WITNESS: No.

3 MS. THOMPSON: No. Okay. So you  
4 just want to change from Hands-on Hair cutting to  
5 Texture Fusion.

6 THE WITNESS: That is correct.

7 MS. THOMPSON: Okay. And your email  
8 was submitted March the 13th, so I think you're  
9 well over the 45-day guideline.

10 Now, the second email is you're asking to  
11 cancel a May 21st class and reschedule to June. Is  
12 that the same class here?

13 THE WITNESS: Yes. It's the same  
14 class. I had to -- to cancel that class on May  
15 21st because my educator had a conflicting  
16 schedule.

17 MS. THOMPSON: Okay.

18 THE WITNESS: So I'm asking the  
19 board to cancel that class, May 21st, and  
20 reschedule for June 25th. Now, inadvertently when  
21 I sent the letter in, I -- I put June 26th, which  
22 is a Tuesday. All of our classes on the 1st. So  
23 inadvertently, I made the error.

24 MS. THOMPSON: I have the 25th  
25 here.

1 MS. WEBB: We have the 25th.

2 THE WITNESS: I had the 25th?

3 MS. THOMPSON: Uh-huh. So you  
4 didn't make as many mistakes --

5 THE WITNESS: That's good.

6 MS. THOMPSON: Did you have anybody  
7 already registered or signed up for the May 21st,  
8 the date?

9 THE WITNESS: I had a few.

10 MS. THOMPSON: Have you contacted  
11 them?

12 THE WITNESS: Yeah. I had the  
13 person in the area to contact them, hoping that I  
14 would get approved.

15 MS. THOMPSON: Right. Okay. And  
16 they're okay with the change?

17 THE WITNESS: They're fine.

18 MS. THOMPSON: All right. So  
19 essentially we have two changes.

20 THE WITNESS: Right.

21 MS. THOMPSON: We have a change in a  
22 date and a change in a lesson plan.

23 THE WITNESS: That is correct.

24 MS. THOMPSON: That's correct?

25 THE WITNESS: Yes.

1 MS. THOMPSON: Okay. What is the  
2 board's desire?

3 MS. WEBB: Madam Chair, I make a  
4 motion to approve both changes.

5 MS. BROWN: And that class is going  
6 to be on a Monday?

7 THE WITNESS: On a Monday, the 25th  
8 of June, in Greenville.

9 MS. BROWN: Is that going to be at  
10 the Margaret Miller?

11 THE WITNESS: No. It's going to be  
12 in Greenville.

13 MS. THOMPSON: Her location,  
14 everything else is the same, right?

15 THE WITNESS: Yeah, everything is  
16 the same. Same instructors that's been approved by  
17 the board.

18 MS. THOMPSON: So in your current  
19 information that's on the board's website, it will  
20 be the May 21st class, but now the date will just  
21 be June the 25th. So location and all would be the  
22 same.

23 MS. BROWN: Got you.

24 MS. THOMPSON: All right. So I have  
25 a motion on the table to approve the two changes

1 for Ms. Settles for her continuing education  
2 classes. It's the South Carolina Progressive  
3 Association of Cosmetology.

4 MS. CURTIS: Second.

5 MS. THOMPSON: And I have a second.  
6 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.

13 THE WITNESS: Thank you very much.

14 MS. THOMPSON: It's approved. Thank  
15 you.

16 THE WITNESS: Appreciate it.

17 \*\*\*\*\*

18 MS. THOMPSON: We've already done  
19 Ms. Nguyen. So that brings us to approval for CEU  
20 change and approval of credit for attendees at CEA.  
21 We're looking at G.

22 (Off-the-record discussion.)

23 MS. THOMPSON: Okay, Angie. You  
24 sent an email or a letter April 26th, asking to add  
25 an instructor for ACE Association.

1 THE WITNESS: Yes.

2 MS. THOMPSON: She is a licensed  
3 South Carolina instructor.

4 THE WITNESS: Yes, ma'am.

5 MS. THOMPSON: With current license.  
6 That is the only requirement that we have, so far  
7 as that.

8 THE WITNESS: Yes.

9 MS. THOMPSON: How about we handle  
10 this individually. I'll entertain a motion from  
11 the board regarding the addition of this instructor  
12 for ACE Association 2012 con ed classes.

13 MS. WEBB: Madam Chair, I make a  
14 motion to approve.

15 MS. THOMPSON: I have a motion. Do  
16 I have a second?

17 MS. NYE: Second.

18 MS. THOMPSON: Motion and a second  
19 to approve Laura Richardson as an instructor for  
20 ACE Association for their continuing education  
21 classes

22 THE WITNESS: Thank you.

23 MS. THOMPSON: Any further  
24 discussion?

25 (NO RESPONSE.)

1 MS. THOMPSON: Hearing none, all in  
2 favor, signify by saying aye.

3 BOARD MEMBERS: Aye.

4 MS. THOMPSON: Opposed? Motion  
5 carries. Now CEA, which is very similar to Hickory  
6 the show that we talked about yesterday where this  
7 is -- it's a conference, I guess would be the best  
8 way to --

9 THE WITNESS: It's the continuing --  
10 for the CEA Conference Cosmetology Educators of  
11 America, which is a branch of the AACCS --

12 MS. THOMPSON: But this is like a --

13 THE WITNESS: -- national group.

14 MS. THOMPSON: It's not show like --

15 THE WITNESS: No, no --

16 MS. THOMPSON: It's a conference.

17 THE WITNESS: -- -- no, no. It is a  
18 truly educational-based --

19 MS. THOMPSON: They have this as  
20 their annual thing.

21 THE WITNESS: -- convention yearly.

22 MS. THOMPSON: Right. And so that's  
23 the reason --

24 THE WITNESS: And I did this in 2010  
25 and 2011.

1 MS. THOMPSON: Right. I'm just  
2 giving the background information for the new board  
3 members. This is one of the other exceptions that  
4 we make to the November submission for approval,  
5 because they have to wait on agendas and that sort  
6 of thing.

7 THE WITNESS: And I am on the CPA  
8 Committee. I've served with them for many, many,  
9 many years and the agenda I sent was the most  
10 current as of the 10th of May. That was when they  
11 did their final conference call, so I sent that  
12 over to Mr. Ray, the most current copy I could get.  
13 Now, I have eliminated those I have -- based on the  
14 discussion we've had on the CEA conference calls --  
15 I've been on about 10 conference calls, putting  
16 this agenda together -- those that I have knowledge  
17 of that I know are product-driven. I have marked,  
18 and I always eliminate those.

19 MS. THOMPSON: Okay.

20 THE WITNESS: This year, they can  
21 gather up to 16.35 hours. So even if they take a  
22 product-driven class, I don't give them credit for  
23 it and they know that, but they still have enough  
24 opportunity to get more than the required 12 hours  
25 for continuing education.

1 MS. THOMPSON: And just, again for  
2 background information for Stephanie and Janice,  
3 the way that this works is when we have these type  
4 situations, one of our existing associations  
5 typically agrees to take on the burden of  
6 facilitating and handling all of the information  
7 and coordinating between the association and USC,  
8 that will still follow the same procedures that we  
9 do for all the in-state classes. And Ms. Shuler  
10 has agreed to do that for this conference for the  
11 past several years. So that's when she's saying  
12 she won't get credit, that's what she's referring  
13 to.

14 So anyone who takes these classes will have to  
15 go through her. They'll have monitor sheets, all  
16 that. Then she will deal with USC and it will be  
17 handled exactly the same.

18 THE WITNESS: I've spoken to USC.  
19 They did ask me, in addition to what I've used in  
20 the past, they did ask me to have them physically  
21 sign in and sign out at the beginning and the end,  
22 which we discussed and we're in agreeance with  
23 that.

24 MS. THOMPSON: Okay.

25 THE WITNESS: That was the only

1 thing that USC asked me to change.

2 MS. THOMPSON: And the only thing  
3 I'm just curious about, like the events or the  
4 meals that are sponsored by a particular group,  
5 whatever, there's no credit given for those.  
6 You're actually --

7 THE WITNESS: Well, the credit is --  
8 was not at first, and I talked with USC. These are  
9 educational. They are not selling their products,  
10 per se, but they are doing presentations. Like,  
11 for example, I'm sponsored by Super Cuts. I'm not  
12 selling Super Cuts.

13 MS. THOMPSON: How are you  
14 determining, though, how much -- because I know  
15 like when we go to our national conferences, Super  
16 Cuts actually sponsors one of the meals, and they  
17 are allowed certain amount of time to do their  
18 presentation --

19 THE WITNESS: Right.

20 MS. THOMPSON: -- to talk about --

21 THE WITNESS: Right.

22 MS. THOMPSON: But of the hour,  
23 hour-and-a-half designated for lunch, their  
24 presentation may only be 15 minutes.

25 THE WITNESS: Right.

1 MS. THOMPSON: How are you going --

2 THE WITNESS: We do ours based on --  
3 in the meal function, the speaker is speaking 45  
4 minutes.

5 MS. THOMPSON: Okay. So that's --

6 THE WITNESS: So that's the 45  
7 minutes --

8 MS. THOMPSON: -- already allotted  
9 and designated.

10 THE WITNESS: -- that they would get  
11 if they attended that particular meal.

12 MS. THOMPSON: Okay. And still  
13 again, the same thing, any --

14 THE WITNESS: I -- I -- you know, I  
15 will figure --

16 MS. THOMPSON: -- you know what  
17 you're doing. Sign-in/sign-out. Right. Okay.

18 THE WITNESS: Yes. Yes, ma'am.

19 MS. THOMPSON: And so you've already  
20 marked the ones that you deem specific that are  
21 not --

22 THE WITNESS: I have gone through  
23 with the committee. And Steven and I went over it  
24 again, because I said "See if I missed anything you  
25 think is product-driven." And we eliminated on

1 Saturday the -- on Page 2, the Natural Hair Styling  
2 with Nagetti. We eliminated the specialty, the  
3 Natural Transition and Strengthen by Kimberly Kelly  
4 with McBride. And we eliminated the one, the  
5 Airbrush Makeup, which is sponsored by Airbrush  
6 Makeup. I mean, you know, they are pretty obvious.

7 MS. THOMPSON: Right.

8 THE WITNESS: And then there was one  
9 more.

10 MS. THOMPSON: Salon Commodities,  
11 the non-formaldehyde treatment?

12 THE WITNESS: Yes. That's on the  
13 last day.

14 MS. THOMPSON: Okay.

15 THE WITNESS: I figured that -- yes,  
16 I have eliminated that one also.

17 MS. THOMPSON: And will this be only  
18 instructors that are getting con ed?

19 THE WITNESS: The only --

20 MS. THOMPSON: Only educators.

21 THE WITNESS: -- folks who attend  
22 there are -- well, some school owners are there,  
23 but it's --

24 MS. THOMPSON: But the ones who  
25 are --

1 THE WITNESS: -- probably 700 or 800  
2 or so instructors.

3 MS. THOMPSON: Right. So just a  
4 regular cosmetology -- I say it's a regular. Just  
5 a licensed cosmetology wouldn't --

6 THE WITNESS: They would not come.

7 MS. THOMPSON: -- attend this  
8 educator's -- okay.

9 THE WITNESS: No, they would not be  
10 there. It's about teaching of these things and  
11 these new techniques and these items. Of course  
12 there are, like I say, a few of them in there that  
13 are selling their products, so that people would  
14 use them in their school. But we have never given  
15 credit for that.

16 MS. THOMPSON: Okay.

17 MS. BROWN: This is going to be in  
18 Columbia and in Florence and --

19 THE WITNESS: No. No, ma'am. This  
20 is held in Orlando, alternate years with somewhere  
21 out west. It's usually Orlando, and then Vegas or  
22 Scottsdale or somewhere out west. They alternate  
23 every other year.

24 On average in 2010, we had 11 getting  
25 continuing ed credit. And in 2011, we had ten

1 getting USC credit. What I do is, being on the  
2 committee, they send to me everybody who has  
3 registered from the State of South Carolina. And I  
4 contact all of them by email and give them the  
5 information about the continuing ed. I also work  
6 the registration desk, which is a fun job.

7 MS. THOMPSON: They've got you warn  
8 out.

9 THE WITNESS: But I check on all of  
10 them signing in from South Carolina. So they know  
11 in advance; as soon as I get approval, I will be  
12 contacting those and letting them know of the  
13 opportunity to do this, which I've done in the  
14 past.

15 Some people don't come long enough to do it.  
16 Some people come and they don't go to enough  
17 classes to get credit, so they choose not to do it.  
18 But on the average, it's at least ten that get  
19 credit through this process.

20 MS. THOMPSON: Okay. I'll entertain  
21 a motion from the board.

22 MS. BROWN: I'd like to make a  
23 motion to approve this agenda.

24 MS. RODGERS: Second.

25 MS. THOMPSON: I have a motion and a

1 second. Any 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? Motion  
7 carries.

8 (Off-the-record discussion.)

9 MS. THOMPSON: Angie, do you want  
10 this on the website, the board website under ACE?  
11 or as a --

12 THE WITNESS: That would be fine.

13 MS. THOMPSON: -- a out-of-state,  
14 you know, kind of like the Hickory show?

15 THE WITNESS: Yeah, I'll be glad to  
16 do that.

17 MS. THOMPSON: Okay.

18 THE WITNESS: I don't know what I  
19 need to do, just maybe, Shirley, you and I talk  
20 about what we need to put on there.

21 \*\*\*\*\*

22 MS. THOMPSON: Next on the agenda,  
23 approval of new school, Southeastern Esthetics  
24 Institute.

25 (The witness is sworn in.)

1 MS. THOMPSON: Ms. Freeman, we have  
2 your application here to open a school, Southern  
3 Esthetics Institute, in Sumter?

4 THE WITNESS: That's right.

5 MS. THOMPSON: And you will be the  
6 owner and instructor of this school?

7 THE WITNESS: That's correct.

8 MS. THOMPSON: Do you have your  
9 instructor's license yet?

10 THE WITNESS: Not yet. I've taken  
11 the 45-hour Methods of Teaching. But I called  
12 Professional Credential Services yesterday; they're  
13 still processing my information. I was hoping to  
14 open by August, but hopefully I'll be able to get  
15 in there to do that portion in July. So I may have  
16 to push it back. But I'm in the process of  
17 finishing that up.

18 MS. THOMPSON: We have a copy of the  
19 bond. In looking over your contract, the first  
20 page of your enrollment contract, at the very  
21 bottom, the last paragraph, it says "Your course  
22 will require you to complete required hours of  
23 instruction, complete a skills certification test  
24 and complete payment of tuition." That wording  
25 gets a little hair-scary based on the compensation

1 for hours, which the school has been compensated.

2 That's why --

3 THE WITNESS: I can reword it if  
4 necessary.

5 MS. THOMPSON: It just needs to be  
6 very, very, very clear --

7 THE WITNESS: Right.

8 MS. THOMPSON: -- very clear, that  
9 no matter what the student does, if they withdraw,  
10 if they graduate, whatever, for hours that they  
11 have completed and that they've paid for, you have  
12 to release them to them, to the student. You have  
13 to certify --

14 THE WITNESS: Exactly, okay.

15 MS. THOMPSON: The way it's  
16 currently worded --

17 THE WITNESS: Right.

18 MS. THOMPSON: -- gives me reason  
19 for pause.

20 THE WITNESS: Okay. I can change  
21 that.

22 MS. THOMPSON: Let's see, under the  
23 refund policy and notice of cancellation.

24 THE WITNESS: Uh-huh.

25 MS. THOMPSON: Okay, No. 7, it's

1 talking about if the course is cancelled. And I'm  
2 assuming that what you meant was if you decide to  
3 cancel the course for any reason.

4 THE WITNESS: Right.

5 MS. THOMPSON: What I'm not happy  
6 with is the fact that if you cancel it, that the  
7 student is not going to be refunded for their kit  
8 and their books and everything else. If they just  
9 drop out, I completely get that you're not going to  
10 refund that money.

11 THE WITNESS: Right. Okay. I will  
12 reword that. That makes sense.

13 MS. THOMPSON: But if they've  
14 enrolled and then you just cancel, I don't feel  
15 that it's fair that they have to be out that money.

16 THE WITNESS: Absolutely. I  
17 understand that. I'll change that.

18 MS. THOMPSON: The last paragraph  
19 there that says "In case of illness," and it goes  
20 on, "and the school shall make a settlement which  
21 is reasonable, fair for both parties." I just have  
22 that kind of highlighted as maybe check the  
23 wording.

24 THE WITNESS: Okay.

25 MS. THOMPSON: And then I'd like to

1 know, you know, what is reasonable and fair?

2 THE WITNESS: Okay. You're  
3 referring to that paragraph on this page here?

4 MS. THOMPSON: It's the same page  
5 where talking about the course cancelled and the  
6 kit is the very next little paragraph.

7 THE WITNESS: Okay. I actually, you  
8 know, wrote this out, referring to other approved  
9 contracts. So if there's something I need to  
10 change, I will absolutely change it.

11 MS. THOMPSON: And I don't mind it  
12 staying that way. I'd just --

13 THE WITNESS: Right.

14 MS. THOMPSON: -- really like to  
15 know what would be considered reasonable and fair.  
16 You know,, I mean, I think that's kind of broad  
17 and --

18 THE WITNESS: Right. I guess  
19 with --

20 MS. THOMPSON: Even though it does  
21 say --

22 THE WITNESS: -- for, you know, that  
23 sort of a thing.

24 MS. THOMPSON: -- both parties.

25 THE WITNESS: Right.

1 MS. THOMPSON: And, I'm sorry, we're  
2 going to go back up. No. 4, at the end of No. 4,  
3 it says "unofficially withdrawn." What would that  
4 be? How would you unofficially withdraw?

5 THE WITNESS: The way I have  
6 this bound, I can't see the numbers; I apologize.

7 MS. THOMPSON: I'm sorry. Let's  
8 see, it starts with "enrollment times defined as  
9 the time elapsed between the actual starting date,"  
10 and blah, blah, blah, blah, blah. And then the  
11 last sentence says "the student has unofficially  
12 withdrawn."

13 MS. CURTIS: Withdrawn without  
14 telling them? What is that?

15 MS. THOMPSON: And, I mean, it  
16 specifies that "the official withdrawal date is  
17 determined by a postmark." I just don't know what  
18 unofficially withdrawn would mean. And it may be  
19 that that's in contracts. I just am not familiar  
20 with it. Steven's shaking his head. He might be  
21 able to offer some explanation, if Ms. Freeman --

22 THE WITNESS: Which one is it?

23 MR. DAWSON: I can, if necessary.

24 MS. THOMPSON: Okay.

25 THE WITNESS: I went through all

1           these points, like I said, kind of referring to  
2           other things that were written out. And to me,  
3           these points seemed very detailed. And you're  
4           talking about "the official withdrawal date as  
5           determined by the postmark date."

6                        MS. THOMPSON: Right. And the  
7           sentence just --

8                        THE WITNESS: That doesn't have to  
9           obviously be in there.

10                      MS. THOMPSON: No, no. I have no  
11           problem with it. I just was -- I wasn't sure how  
12           someone unofficially withdrew. But Steven --

13                      THE WITNESS: That's probably --

14                      MS. THOMPSON: -- Steven, behind  
15           you --

16                      THE WITNESS: -- a bad choice of  
17           words.

18                      MS. THOMPSON: Steven, would you  
19           explain that to me?

20                      MR. DAWSON: Sure. Any time,  
21           especially when it comes to schools that are Title  
22           IV funded, if a student does not come to school,  
23           like 14 days, and 14 days is the unofficial  
24           withdrawal date because they haven't contacted us  
25           and we've made contact to them, or tried to, but

1           they are unreachable. So that's considered an  
2           unofficial withdrawal.

3                         MS. THOMPSON: Okay.

4                         THE WITNESS: There you go.

5                         MS. THOMPSON: And so, Ms. Freeman,  
6           I would advise -- I understand. And many, many,  
7           many, many times we have schools who do exactly  
8           what you've done. They look at other contracts and  
9           they take that. But I would recommend that you  
10          have a full understanding of what all this means,  
11          since it is going to be your legal agreement  
12          between you and your students.

13                        THE WITNESS: Absolutely.

14                        MS. THOMPSON: I don't recall -- and  
15          I'm going to need help from staff. I know that in  
16          the past with every school application, we have  
17          required that they have a currently-licensed  
18          instructor on the application. And I know that we  
19          have required that if they have -- if they're  
20          number of expected students exceeds our ratio, that  
21          they have to have that many instructors listed. I  
22          don't know if we have ever approved an application  
23          at the time that the owner and instructor is not  
24          currently licensed. If you have an answer --

25                        MS. WIDER: Okay. I think it was

1 about a year ago, the vote decided that the  
2 instructors did not have to be listed at that time.  
3 But before the school would have the final  
4 inspection, that they had to give the name of the  
5 instructor because this might be like six months  
6 out, or three months out. And they didn't require  
7 a instructor to be listed on the application at  
8 that time. Does anybody remember that?

9 MS. BROWN: Yes.

10 MS. THOMPSON: Okay. Now wait a  
11 minute. The application wouldn't be redone,  
12 though, at the final inspection. So how would  
13 it --

14 MS. WIDER: No, no, no. They --  
15 y'all voted that the instructor did not have to be  
16 listed on the application when you reviewed it.  
17 But it had to be an instructor before they got a  
18 license listed. But before your filing inspection,  
19 they had to get --

20 MS. THOMPSON: Right. I don't  
21 remember that. I'm not doubting you because my  
22 memory is shot. But what I wanted to make certain,  
23 did we say that none of the instructors had to be  
24 listed on the application? Or as long as one was,  
25 that the other ones didn't have to be. But are we

1 talking like a school that would exceed 20  
2 students? That at the time that it was the final  
3 inspection, then we had to have everybody's name

4 MS. WIDER: Right.

5 MS. THOMPSON: I don't ever recall  
6 us approving an application without any currently-  
7 licensed instructors.

8 MS. WIDER: I can't remember the  
9 name of the school that -- because they came before  
10 you-all and they said that we haven't hired any  
11 instructors because we didn't know whether we would  
12 be approved or not, or how long it was before they  
13 were to work.

14 MS. THOMPSON: That sounds familiar.

15 MS. WEBB: I remember it, but I do  
16 not --

17 MS. THOMPSON: That sounds familiar.  
18 But I thought that we had to have at least some --  
19 I thought at that particular time that there was  
20 one person who was going to be considered the  
21 responsible -- and I could be wrong. I could be  
22 wrong. I don't -- okay.

23 MS. WIDER: Melanie, I don't see a  
24 curriculum in this.

25 MS. THOMPSON: Right.

1 MS. WIDER: So I think that was my  
2 mistake. Did you send it?

3 THE WITNESS: I certainly did. I'd  
4 be more than happy to hand this over to you. The  
5 curriculum is here, the curriculum is here on this  
6 page. And I was hoping to be licensed by this  
7 point in time. So I do understand what you're  
8 saying. I think to fill out the application, they  
9 just really wanted me and my actual license number  
10 at this point. But then your actual rules and  
11 regulations on the LLR website, it does say that  
12 you have to have instructor's license before being  
13 approved, so I do understand that completely.

14 MS. THOMPSON: Right. And then  
15 there's also, there's one little blurb in our regs  
16 that says "the contract must contain," and it's  
17 boom, boom, boom. When you're doing your contract  
18 revisions, I would --

19 THE WITNESS: Refer to that.

20 MS. THOMPSON: I'm sorry?

21 THE WITNESS: Refer to what you're  
22 talking about?

23 THE WITNESS: It's in the rules?

24 MS. THOMPSON: Actually, we have  
25 always strongly urged and slash required that the

1 contract just verbatim state that, and Kathy's  
2 getting ready to -- I think getting ready to give  
3 you the reg number. 35-10 --

4 THE WITNESS: I had not seen that.

5 MS. THOMPSON: You'd think I'd have  
6 that committed to memory.

7 THE WITNESS: Otherwise, I would  
8 have --

9 MS. THOMPSON: 35-10 what?

10 MR. DAWSON: Believe it's 35-10  
11 something.

12 MS. THOMPSON: 35-10 something,  
13 something, something. But it says the contract  
14 must contain or will contain, and it gives you  
15 three little bullet points. It's under contracts.

16 MS. MCCARTHA: "Contract will  
17 contain a statement clearly indicating to the  
18 student that the school will not release to any  
19 licensing board or other schools any certified  
20 hours, transcripts unless financial and contractual  
21 obligations" --

22 MS. THOMPSON: All of that. That  
23 was 35-10-3(a), (b) and ©).

24 THE WITNESS: Okay.

25 MS. THOMPSON: Probably what we're

1 going to have to do at this point, though, since  
2 we're going to have to be able to review the  
3 curriculum, we're going to have to have the  
4 corrected and revised contract.

5 THE WITNESS: Okay.

6 MS. THOMPSON: We're going to have  
7 to have --

8 THE WITNESS: And there's another  
9 point I want to go over with you-all --

10 MS. THOMPSON: Okay.

11 THE WITNESS: -- that I know is  
12 going to be an issue. I guess that's I thought  
13 y'all were going to address today is, I am the  
14 manager of a medical spa in Sumter.

15 MS. BROWN: I noticed that.

16 THE WITNESS: I would like to -- I'm  
17 sorry?

18 MS. BROWN: No, I just noticed that.

19 THE WITNESS: Okay. I would like to  
20 put this school in 1500 square feet of our  
21 building. And I know that in your rules and  
22 regulations, it states specifically that, you know,  
23 a school cannot be affiliated or -- I don't know  
24 what the word is, but right there next to an  
25 existing salon or business of that nature.

1 MS. THOMPSON: It can't be in the  
2 same building. Will you have separate entrances?

3 THE WITNESS: It will be completely  
4 separate entrance. I have not yet --

5 MS. THOMPSON: Any shared common  
6 space?

7 THE WITNESS: No. I have yet to  
8 actually put the wall up where there will be a  
9 separation, but I just wanted to be certain that  
10 that was going to be okay, that it's in the same --  
11 it's sharing a roof, essentially, but it will be a  
12 completely separate entrance and all of that. And  
13 then I would, of course, do all that for you to  
14 come in and inspect.

15 MS. THOMPSON: Essentially, what  
16 usually happens is once we get to this point, then  
17 the approval at this point allows the inspector to  
18 go out for the initial inspection, and that's the  
19 type of stuff the inspector would look at. And he  
20 would say to you, "Okay. This has to be done, this  
21 has to be done, and this has to be done." Then  
22 that gives you the opportunity to do that. You  
23 give him an idea of your expected completion date  
24 for any or all changes that he has noted. Then it  
25 comes before the board for a final inspection. A

1 board member accompanies the inspector there. Then  
2 they sign off and you get final approval.

3 THE WITNESS: Okay.

4 MS. THOMPSON: The inspector being  
5 told to go and do the initial doesn't happen,  
6 though, until we get this approved.

7 THE WITNESS: I understand. So at  
8 this point, you are just needing me to revise the  
9 contract? Anything else?

10 MS. THOMPSON: I mean, the  
11 curriculum, the contract revisions.

12 THE WITNESS: I thought I had  
13 that --

14 MS. THOMPSON: The instructor  
15 situation.

16 THE WITNESS: You don't have  
17 something that resembles this where it says "course  
18 guide"? And then at the top it says "course  
19 curriculum"? And then I've got the hours allotted  
20 here for every little thing?

21 MS. THOMPSON: No, ma'am. I have  
22 three pages that look like they're related to your  
23 bond. I have a floor plan. I have your contract,  
24 your enrollment contract and then the second page,  
25 refund policy notice cancellation.

1 THE WITNESS: I do have a returned  
2 paperwork at one point because they needed the  
3 student contract. So I just would have assumed, I  
4 guess, that, you know, everything would have been  
5 in that packet, because I would have made sure  
6 before they even called me to this meeting, that  
7 y'all would have had everything. But I'd be more  
8 than happy to pass this around. I've got copies of  
9 this, but it's up to y'all.

10 MS. THOMPSON: The other thing,  
11 unless the only rules that you're going to have are  
12 listed on this enrollment contract, or is there --

13 THE WITNESS: Oh, no, absolutely  
14 not.

15 MS. THOMPSON: -- a separate set of  
16 rules?

17 THE WITNESS: On this page here,  
18 y'all should have -- I had this specifically  
19 printed for your packet.

20 MS. THOMPSON: I don't have -- but  
21 it does say --

22 THE WITNESS: It lists enrollment  
23 requirements, the dress code, --

24 MS. THOMPSON: We don't see any of  
25 that.

1 THE WITNESS: -- I sent that in. So  
2 I apologize. I don't know why you wouldn't have  
3 it.

4 MS. THOMPSON: You know you sent  
5 that in?

6 THE WITNESS: I know I did. Because  
7 like I said, they returned all this paperwork  
8 because I do not have the enrollment contract in  
9 there, but I had all this, so --

10 MS. THOMPSON: So they returned it.  
11 And I'm going to make an assumption here, I don't  
12 know this to be the fact, but I'm assuming that  
13 when they returned that to you, because it was  
14 missing information, that they were under the  
15 impression that then you would resubmit an entire  
16 packet, including --

17 THE WITNESS: And that's exactly  
18 what I did.

19 MS. THOMPSON: -- everything from  
20 the original submission.

21 THE WITNESS: Uh-huh.

22 MS. THOMPSON: And you did do that?

23 THE WITNESS: They sent everything  
24 back to me. I added that one part in that they  
25 needed, overnighted it to you-all, and then they

1 sent me the letter to meet here and meet with you-  
2 all, so --

3 MS. THOMPSON: Okay.

4 THE WITNESS: I apologize.

5 MS. THOMPSON: We'll get to the  
6 bottom of that. But --

7 THE WITNESS: Yeah.

8 MS. THOMPSON: -- either way, we  
9 won't be able to approve any of this today because  
10 of the contract changes, the instructor issue. But  
11 it sounds like if you're not even going to be able  
12 to examine, it doesn't sound like till possibly  
13 July --

14 THE WITNESS:

15 MS. THOMPSON: -- our board meeting  
16 is July.

17 THE WITNESS: Okay.

18 MS. THOMPSON: You still won't be  
19 too terribly far off your target opening date by  
20 the delay here. But it gives you ample time to get  
21 all this worked out.

22 THE WITNESS: Okay. So I could be  
23 construction and all that, or you wouldn't suggest  
24 or whatever. And I guess you can't really answer  
25 that.

1 MS. THOMPSON: I'm sorry?

2 THE WITNESS: I said I guess you  
3 can't really answer that at this --

4 MS. THOMPSON: Right. I can't  
5 because I don't know anything about the facility.  
6 And like I said, normally this step is what then  
7 allows us to go to the next step, which is sending  
8 the inspector out for the preliminary. But saying  
9 that we can do that before this is approved is  
10 putting the cart before the horse.

11 THE WITNESS: Uh-huh.

12 MS. THOMPSON: It's sounding -- I  
13 mean, I will stick my neck out and just say, based  
14 on what you said today, that there's no shared  
15 common space, or that there will be no shared space  
16 at all, two separate entrances --

17 THE WITNESS: Two separate. There's  
18 the whole --

19 MS. THOMPSON: Basically, a --

20 THE WITNESS: -- different parking  
21 lot.

22 MS. THOMPSON: -- duplex with the  
23 same roof.

24 THE WITNESS: Right.

25 MS. THOMPSON: Two separate

1 businesses, two separate everything. It doesn't  
2 sound like there would be an issue.

3 THE WITNESS: Okay.

4 MS. THOMPSON: But without the  
5 inspector actually going, I can't tell you that  
6 definitively.

7 THE WITNESS: All right.

8 MS. THOMPSON: But you can feel free  
9 to coordinate with staff here. I'll be happy -- my  
10 email address, I think, is on the website if you  
11 needed, you know, to run things by me. They can  
12 put you in contact with the inspector, maybe asks  
13 questions and then --

14 THE WITNESS: That would be great.

15 MS. THOMPSON: -- we'll get you back  
16 for the July meeting.

17 THE WITNESS: I want to make sure I  
18 do everything exactly like you want me to.

19 MS. THOMPSON: Right.

20 THE WITNESS: Did you want me to  
21 leave some of these with you-all today?

22 MS. THOMPSON: We'll need you to  
23 leave at least one --

24 THE WITNESS: Okay.

25 MS. THOMPSON: -- if staff doesn't

1 already have it, so that they can have copies for  
2 us for our July meeting, to be certain that -- but  
3 perhaps what you should do is make the contract  
4 corrections --

5 THE WITNESS: Right.

6 MS. THOMPSON: -- and then resubmit  
7 it --

8 THE WITNESS: And then resubmit.

9 MS. THOMPSON: -- an entire packet,  
10 corrected.

11 THE WITNESS: Okay. I will.

12 MS. THOMPSON: And not have  
13 confusion of two separate packets floating around  
14 here.

15 THE WITNESS: Okay.

16 MS. THOMPSON: That would be my  
17 recommendation.

18 THE WITNESS: Okay.

19 MS. THOMPSON: So at this point, I  
20 need to entertain a motion from the board.

21 MS. WEBB: Madam Chair, I make a  
22 motion to deny based upon the package submitted  
23 needed to be changed or resubmitted.

24 MS. CURTIS: Second.

25 MS. THOMPSON: I have a motion and a

1 second. Any 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? The motion  
7 carries. Thank you, Ms. Freedom.

8 THE WITNESS: Thanks.

9 MS. THOMPSON: Good luck.

10 THE WITNESS: Appreciate it.

11 (Off the record discussion.)

12 \*\*\*\*\*

13 MS. THOMPSON: Approval of revised  
14 school contract, Institute of Nail Artistry,  
15 Beatriz Hernandez.

16 (The witness is sworn in.)

17 MS. THOMPSON: Okay. Ms. Hernandez.

18 THE WITNESS: Yes.

19 MS. THOMPSON: I am the reason that  
20 you were asked to be here today. And quite  
21 honestly, I need you to help me understand. I'm  
22 sure you remember, as do I, how long we worked on  
23 your contract.

24 THE WITNESS: Yes.

25 MS. THOMPSON: And how many

1 revisions there were and how many people actually  
2 contributed to that.

3 THE WITNESS: Uh-huh.

4 MS. THOMPSON: You were approved at  
5 the November meeting. So your school was approved  
6 and has been operating since November. This is  
7 May. I lost count of how many changes or additions  
8 or deletions to and from your contract that I've  
9 received since you approval.

10 THE WITNESS: It's actually been  
11 four.

12 MS. THOMPSON: No, it was more than  
13 that. Some of them may or may not have been  
14 considered by you or anyone else. But my point  
15 was, in all my years of doing this, I don't recall  
16 any other school ever, ever requesting so many  
17 changes at all, but especially so early on in their  
18 program.

19 THE WITNESS: I understand.

20 MS. THOMPSON: The changes that I  
21 saw coming through were things like, I needed the  
22 days or the hours of operation for this particular  
23 day were changed because there was a doctor's  
24 appointment, or you needed to implement the use of  
25 a cosmetologist to teach on this day, this day or

1           this day because there was a doctor's appointment,  
2           or this and that. I need to be certain that you  
3           understand as a school owner, your responsibility  
4           to your students. But that you also understand the  
5           regulations pertaining to schools.

6           The use of an emergency instructor, that is  
7           not that you have a doctor's appointment or that  
8           you have to pick up your child or anything else.  
9           It is truly an emergency. Your regular instructor  
10          has been in a car accident, or that is your regular  
11          instructor has woken up and their child is sick and  
12          they can't come. You've got students showing up;  
13          that's an emergency then.

14          But scheduling things around -- you can't  
15          change the hours of operation, the days of  
16          instruction, things that affect your contract. You  
17          can't change them so frequently, and for the  
18          reasons that you're doing so.

19                    THE WITNESS: I understand. And the  
20          reason why is because I operating the school by  
21          myself.

22                    MS. THOMPSON: Uh-huh.

23                    THE WITNESS: I don't have -- I only  
24          have one person. She's a cosmetologist and she's  
25          my substitute whenever I need her, and --

1 MS. THOMPSON: But she can't --  
2 that's maybe where you're not understanding. A  
3 substitute is a licensed instructor, not a  
4 cosmetologist.

5 THE WITNESS: But I -- I have not  
6 find any licensed nail technology instructor that I  
7 can hire and I can trust when it comes to teaching  
8 my students.

9 MS. THOMPSON: I understand that.

10 THE WITNESS: And I can say I can --  
11 I can leave her in the school, because you have to  
12 understand one thing too, is that I'm working with  
13 a lot of paperwork from students, Social Security  
14 numbers; that's private information.

15 MS. THOMPSON: Ma'am, let me just  
16 say this. And I do understand that. But this is  
17 the thing I need for you to understand. And from  
18 the beginning, especially with the issues of  
19 contract, as a business owner and as an owner of  
20 the school, those were the things that really  
21 should have been considered diligently before  
22 deciding to open a school. You are responsible, as  
23 you said, to your students for their education, as  
24 well as protecting their private documents. That  
25 just comes with it.

1           It's an awesome, heavy responsibility. But  
2           you as the school owner and instructor took on that  
3           responsibility when you applied to open this  
4           school. And it's a commendable position to be in.  
5           I mean, I'm thankful that you would do that, and  
6           I'm happy that all the school owners in the state  
7           have done that. But what I need you to understand  
8           is that these students are paying the tuition to be  
9           instructed by an instructor, not by a licensee.

10           THE WITNESS: And believe me, the  
11           times that I have take off --

12           MS. THOMPSON: Ma'am, I understand.  
13           Just the fact that you're having difficulty finding  
14           an instructor that you can hire is -- it's  
15           unfortunate, but unfortunately for you, it's not a  
16           reason that we can justify the students being  
17           taught by someone who's not qualified to teach  
18           them, as frequently as it's happening.

19           So you will have to either be -- you'll have  
20           to be in your school when it's open, bound by the  
21           contract that your students have signed, or you  
22           will have to have a licensed instructor in there.  
23           And on the very rare occasion that there's an  
24           emergency, can use a licensee to fill in on an  
25           emergency basis. Okay?

1 THE WITNESS: That's why I require  
2 my -- my Friday's off, to be able to have time --  
3 personal time. The reason why I submit the  
4 contract again with the changes is to require  
5 Friday's off, to close on Fridays. That way I have  
6 -- you know, I can make my schedule according to my  
7 personal life too, and I can just go to doctor's  
8 appointment. I have three kids. And I can just do  
9 my personal appointments with my -- with my kids on  
10 my day off. But as -- as of right now, I don't  
11 have a day off. I'm working over 60 hours a week  
12 because I opened the school Monday through Friday,  
13 10 a.m. to 9 p.m. So that's why I'm trying to take  
14 one day off a week. But I have not find any  
15 instructor that --

16 MS. THOMPSON: And this is the  
17 thing --

18 THE WITNESS: -- can cover me up for  
19 that.

20 MS. THOMPSON: -- as a school owner,  
21 that's one of the privileges. You get to determine  
22 what your hours of operation will be. The board  
23 has no jurisdiction there. You can be open from 10  
24 a.m. to 12 p.m. only; that is your prerogative.  
25 What I'm trying to get you to understand is you

1 chose as a school owner to establish your hours of  
2 operation; we approved it. You enroll students;  
3 they sign contracts with that information.

4 And then now all of a sudden because you've  
5 realized that it is a huge burden and commitment  
6 and responsibility, that you can't operate your  
7 live around it, so now you're needing to change  
8 their contract. That's not what they signed --  
9 that's not how it was when they signed up. So now  
10 all of your students have to have a brand new  
11 signed contract with any changes that you've made.  
12 They have to agree to it. If they don't, then you  
13 have the burden of withdrawal and refunding money  
14 and things like that.

15 THE WITNESS: I am willing to wait  
16 until everybody that is there, have signed my  
17 contract, my current contract, finish the program.  
18 And then I will -- I will start taking Friday's  
19 off, if I need to do that. I am a responsible  
20 person. But I think I also -- I also have a life  
21 and it is a lot for me. I didn't realize that in  
22 the beginning; I going to be very honest. It's my  
23 first experience as a licensed instructor. It's my  
24 first experience as a school owner, and nobody told  
25 me anything else before I opened my school. It's

1 not like when I --

2 MS. THOMPSON: But ma'am, it was no  
3 one else's --

4 THE WITNESS: -- took my Methods of  
5 Teaching --

6 MS. THOMPSON: It was no one else's  
7 obligation to tell --

8 THE WITNESS: I understand. I  
9 understand that, and I know this is something that  
10 I chose.

11 MS. THOMPSON: Right.

12 THE WITNESS: And I'm -- I'm  
13 agreeing with what he's saying and I'm willing to  
14 do whatever I need to do.

15 MS. THOMPSON: Okay.

16 THE WITNESS: I mean, you know,  
17 everything that we went through to get my  
18 contract --

19 MS. THOMPSON: Yes, ma'am, I do.

20 THE WITNESS: -- approved, I am a  
21 very persistent person. And I know that if I have  
22 to go through whatever, I will do it, to get it  
23 approved, if it's possible. If it's not possible,  
24 I will just leave it the way it is.

25 MS. THOMPSON: Okay. It is not

1 possible to continue to use a cosmetologist as your  
2 instructor. That is not possible.

3 THE WITNESS: I'm not using her.  
4 I'm just -- I just use her whenever I need her.

5 MS. THOMPSON: But that is not  
6 possible.

7 THE WITNESS: Well, I'm sorry, I  
8 don't -- I don't mean to --

9 MS. THOMPSON: It's as an emergency  
10 situation. Scheduling a doctor's appointment or  
11 something --

12 THE WITNESS: But it's --

13 MS. THOMPSON: -- is not an  
14 emergency.

15 THE WITNESS: -- it's not been four  
16 or five times.

17 MS. THOMPSON: I'm just telling you,  
18 okay, an emergency -- and I gave you the example of  
19 their instructor calls in sick at nine o'clock in  
20 the morning and your students are coming at ten,  
21 that's an emergency. Scheduling a doctor's  
22 appointment on a day that is at a time during your  
23 hours of operation is not an emergency. At that  
24 particular point, you can have a substitute. They  
25 just have to be a licensed instructor, okay?

1 THE WITNESS: That's the problem.

2 It's so hard to find them.

3 MS. THOMPSON: I understand.

4 THE WITNESS: I've called Byron  
5 before. I talk to Chesley all the time. I put it  
6 on Facebook, somebody knows any other instructor.  
7 Because I do not agree with having a cosmetology  
8 person teaching nail technology. I definitely do  
9 not agree with that because --

10 MS. THOMPSON: And I respect  
11 everything you're saying. And I --

12 THE WITNESS: But it is really hard  
13 to find that person.

14 MS. THOMPSON: But I'm just telling  
15 you, the laws are clear on this, very clear. There  
16 are no exceptions. So --

17 THE WITNESS: I just know that in  
18 the laws website it says that if I require a day  
19 off or to two weeks prior, it will be approved.

20 MS. THOMPSON: No, ma'am. Show me  
21 that.

22 THE WITNESS: I don't have it with  
23 me, but I can -- I can just highlight it, print it,  
24 highlight it and send it to you.

25 MS. THOMPSON: Okay.

1 THE WITNESS: I know I have read  
2 that on the --

3 MS. THOMPSON: There is --

4 THE WITNESS: -- website.

5 MS. THOMPSON: -- there is a clause  
6 in there about an emergency situation. And there  
7 is a clause in there about if your instructor  
8 changes, you are to notify LLR immediately. There  
9 is nothing in there that says anything about a day  
10 off or two weeks.

11 THE WITNESS: I am pretty sure that  
12 I have read that.

13 MS. THOMPSON: I'm pretty sure that  
14 it's not in there. There may be a misunderstanding  
15 or a misinterpretation, but I'm pretty sure it's  
16 not there. So I'm just going to tell --

17 THE WITNESS: I have -- I have my  
18 three different -- three different printout --  
19 printouts. Unfortunately, I didn't bring them  
20 today. But I have about three different  
21 printouts --

22 MS. THOMPSON: Okay. That's fine.  
23 We've got board members that are looking right now,  
24 and I have multiple printouts as well. But that's  
25 irrelevant.

1           The kit issue, you are more than -- it's --  
2           it's more than okay that you add anything to it,  
3           anything that you would like to add to your kits is  
4           fine. The only thing you can't do is remove  
5           something that we have said is required. Other  
6           than that, you can make additions and give your  
7           students more anytime you'd like. That's not  
8           required to be approved by the board. Okay.

9           THE WITNESS: I was just making  
10          sure.

11          MS. THOMPSON: Right. I'm just  
12          making -- I'm just going through your list here, to  
13          address all of your issues. I'm just telling you  
14          that that is fine. You don't need board approval  
15          to add things.

16          THE WITNESS: Okay.

17          MS. THOMPSON: All right? The  
18          substitute situation, again, unless it's an  
19          emergency, they have to be a licensed instructor.

20          The changes to your contract so far is your  
21          Friday off. I'm not telling you that you can't  
22          implement changes to your contract. What I'm  
23          saying is, if you do, if anything is changed from  
24          the date of enrollment of your students and the  
25          contract that they signed, the changes in the

1 contract have to be approved by the board, and then  
2 each student has to be given a new contract that's  
3 signed by them as well.

4 THE WITNESS: Okay.

5 MS. THOMPSON: As a business owner,  
6 it's going to be more paperwork for you if you do  
7 this frequently. So I would advise you to be real  
8 certain that any changes you want to make right  
9 now, that you get them all in there addressed, so  
10 that you don't have to repeat this process, because  
11 it will be time-consuming and it will be costly.

12 MS. WEBB: This says, "Absence of  
13 instructor. If an emergency situation arises and a  
14 substitute instructor is needed, the school shall  
15 obtain a licensed instructor, if possible, to  
16 substitute and shall notify the board within five  
17 business days of the emergency change in  
18 instructors. If a licensed instructor is not  
19 available, the board may, upon request of the  
20 school, allow a currently-licensed cosmetologist to  
21 teach temporarily, not to exceed 30 calendar days  
22 without board approval.

23 Schools must report any change in instructors  
24 or schedules to the board in writing and include  
25 the list of the instructors and scheduled times of

1 instruction, and whether the position is temporary,  
2 permanent, part time or full time. If the position  
3 is temporary, notification must include time  
4 scheduled for the position to be filled  
5 permanently."

6 THE WITNESS: Does it say something  
7 about the two weeks notice? because I know I read  
8 something about two week's notice, if the school  
9 require to close one day. I know I read something  
10 about that.

11 MS. THOMPSON: But the important  
12 information there is emergency, emergency.  
13 Otherwise, they have to be -- your substitute has  
14 to be a licensed instructor.

15 THE WITNESS: Okay.

16 MS. THOMPSON: Now, so far as the  
17 changes of your days and/or hours of operation, are  
18 those changes that you want the board to consider  
19 today?

20 THE WITNESS: Yes, if it's possible.

21 MS. THOMPSON: And are you certain  
22 that the changes that we're looking at now are  
23 exactly how you want it to be? because, quite  
24 honestly, I don't want to look at your contract  
25 again at our next meeting.

1 THE WITNESS: No. I understand.

2 MS. THOMPSON: And I mean no  
3 disrespect at all.

4 THE WITNESS: I understand. I  
5 understand.

6 MS. THOMPSON: I understand  
7 completely. But I just feel like a business owner  
8 should have been more prepared, honestly.

9 THE WITNESS: And I'm a business  
10 owner since 2000, but I'm a salon owner since 2009,  
11 a school owner.

12 MS. THOMPSON: Right.

13 THE WITNESS: So this is totally  
14 different, and I --

15 MS. THOMPSON: It is different.

16 THE WITNESS: And I really didn't  
17 think about all these little things when I -- when  
18 I started the school, and unfortunately, I didn't  
19 have anybody to tell me any better.

20 MS. THOMPSON: Right.

21 THE WITNESS: I just pretty much  
22 have to figure it out by myself.

23 MS. WEBB: It is in the regs.

24 THE WITNESS: And I -- and I -- and  
25 I do have my laws and my policies. I -- I just

1 probably misunderstood about having somebody that  
2 is not an instructor in case that I needed her and  
3 -- but I do know that every time I have requested a  
4 change or that I have to go to a doctor's  
5 appointment or whatever, I agree that I have done  
6 it wrong, but I always report it to Byron. I  
7 always send an email to him saying "I got to be out  
8 of the school from ten to eleven because I want to  
9 make sure that I'm complying with everything and  
10 I'm not going to get in trouble.

11 MS. THOMPSON: And I appreciate  
12 that, and you have. You have been very diligent  
13 about that. Unfortunately, and like you said you  
14 acknowledged, you were doing it wrong. But I do  
15 appreciate the fact that you've been trying to be  
16 forthcoming.

17 THE WITNESS: And I really apologize  
18 for sending all the emails that I sent all the  
19 time, asking and asking and asking.

20 MS. THOMPSON: Now, I would rather  
21 you ask than not ask.

22 THE WITNESS: I know.

23 MS. THOMPSON: I really would.

24 THE WITNESS: I ask too much  
25 sometimes.

1 MS. THOMPSON: Now, what I'm going  
2 to need is -- because in my head, I have five  
3 copies of your contract, so I'm having to --

4 THE WITNESS: Seven.

5 MS. THOMPSON: Exactly. -- so I'm  
6 having difficulty deciphering in here where the  
7 changes are that you want the board to implement  
8 today.

9 THE WITNESS: Yeah, whatever it is  
10 in here that I sent you the last time, I got it in  
11 here. I got my copy in here, and that's -- I think  
12 this is going to be the last changes because I  
13 don't think it's going to be anything else to  
14 change.

15 MS. THOMPSON: I'm hoping you're  
16 saying "I know there's not going to be," and not  
17 "think."

18 THE WITNESS: It will not be anymore  
19 changes.

20 MS. THOMPSON: Do you have, other  
21 than you obviously you want to change your days of  
22 operation, Monday through Thursday --

23 THE WITNESS: Uh-huh.

24 MS. THOMPSON: -- right? I know for  
25 sure that. What else were you wanting to change in

1 the --

2 THE WITNESS: In here I got --

3 MS. THOMPSON: -- original contract?

4 THE WITNESS: -- I got 10 to 3. The  
5 day classes will be 10 to 3 and the night classes  
6 will be 4 to 9.

7 MS. THOMPSON: Okay. Can you tell  
8 me what page we might find --

9 THE WITNESS: Page 2. Page 2, under  
10 "contract." We are of course schedule attendance  
11 policy.

12 MS. RODGERS: All right. Night  
13 classes are what?

14 THE WITNESS: Night classes will be  
15 4 to 9.

16 MS. THOMPSON: Okay. So the  
17 original contract that the board approved in  
18 November would say Monday through Friday, 10 to 9.  
19 What she's asking for is a change of Monday through  
20 Thursday, 10 to 3 and then 4 to 9.

21 THE WITNESS: I mean, it's pretty  
22 much -- in the school from 10 a.m. to 9 p.m.

23 MS. THOMPSON: It's right here.  
24 It's on Page 2. All right. And so that's one  
25 area. And again, I need to make sure you

1 understand that if the board approves these  
2 changes, when you go back to your school --

3 THE WITNESS: Everybody going to  
4 have a new contract.

5 MS. THOMPSON: -- everybody has to  
6 get a new copy signed --

7 THE WITNESS: All my students so far  
8 -- I have told everybody that these changes was  
9 about to happen, but I told them "I'm not sure this  
10 is going to be approved or not. But if I get it  
11 approved, I told everybody that they will have a  
12 new contract."

13 MS. THOMPSON: Okay.

14 THE WITNESS: So they already know  
15 that this change can happen, if you guys approve  
16 it.

17 MS. THOMPSON: Okay. So in the  
18 contract, that's all I'm seeing right now that  
19 you're requesting be changed is just the days and  
20 time --

21 THE WITNESS: Uh-huh.

22 MS. THOMPSON: -- of operation.

23 THE WITNESS: Other than that, I  
24 don't think it's anything else. The only thing  
25 else is -- it was the products, the supplies in the

1 regs.

2 MS. THOMPSON: I'm sorry. I missed  
3 what you were saying.

4 THE WITNESS: The regulation -- on  
5 the regulations, the supplies that you told me that  
6 I didn't have to get that approved --

7 MS. THOMPSON: Not if you're adding.

8 THE WITNESS: Adding the products.

9 MS. THOMPSON: Only if you're taking  
10 away.

11 THE WITNESS: Uh-huh. But  
12 everything else, it's -- I think that's the only  
13 change I have. The Thursdays -- Monday through  
14 Thursday, 10 a.m. to 9 p.m., but the morning  
15 classes 10 to 3 and night classes 4 to 9. They  
16 will be doing the same amount of hours every week,  
17 but the only difference is that instead of doing  
18 four hours that day, they're going to be doing five  
19 hours a day instead of four.

20 MS. THOMPSON: Okay. I'm looking at  
21 your student kit supplies and it's looking like  
22 there are -- I'm not certain what this is. Some of  
23 them has a --

24 THE WITNESS: Replace. I have  
25 replaced certain things because in here -- I got my

1 highlights in here too; hold on. The acrylic  
2 nipper with lock and handle, I -- I've taken that  
3 out because they using it as a cuticle nipper. And  
4 they always get it confused, because they have two  
5 -- they have one cuticle nipper and they have one  
6 acrylic nipper. And I don't feel comfortable my  
7 students nipping off acrylic of the nails. I --  
8 I'd rather that they file it off instead of nipping  
9 it off because they pulling on the -- on the  
10 natural nail of the clients. So that's why I  
11 removed the item.

12 And then on the triple container, I replaced  
13 that for the two plastic dappen dish.

14 MS. THOMPSON: A two compartment  
15 dappen dish?

16 THE WITNESS: Right. It says  
17 "triple dappen dish" because --

18 MS. THOMPSON: Right.

19 THE WITNESS: -- you have like one  
20 hole --

21 MS. THOMPSON: I'm a nail tech; I  
22 understand exactly what it is.

23 THE WITNESS: Okay. So I'm  
24 replacing that.

25 MS. THOMPSON: Right.

1 THE WITNESS: I'm replacing that one  
2 for the two plastic dappen dish.

3 MS. THOMPSON: Okay.

4 THE WITNESS: And then the glass  
5 seal is pretty much the same thing as the --

6 MS. THOMPSON: The what? I'm sorry.

7 THE WITNESS: The glass seal.

8 MS. THOMPSON: Okay. What about, it  
9 looks like there's two extra-strength bullet glue.  
10 It looks like the "No. 2" is highlighted here. I'm  
11 not sure why. And then the four sanitizable  
12 buffing blocks, that's highlighted. And then the  
13 nail tips, 500 count is highlighted.

14 THE WITNESS: I'm replacing those.  
15 I'm replacing those for the two -- the 12 hygiene  
16 cushion files. I'm replacing the nail files,  
17 because the hygiene better because they can  
18 disinfect them.

19 MS. THOMPSON: That's not even noted  
20 on my --

21 THE WITNESS: The six nail files?

22 MS. THOMPSON: No. I mean, what I'm  
23 looking -- what I was reading to you, this list  
24 that's provided in this, what looks to be the new  
25 one, that has some type of mark on it, either looks

1 to be a highlighted line or just a solid line  
2 through it.

3 THE WITNESS: Right.

4 MS. THOMPSON: We went to the dappen  
5 dish. The next thing, it looks like the No. 2  
6 under the bullet, it's talking about the glue.  
7 That one looks like it's highlighted for some  
8 reason, but I'm not sure why.

9 THE WITNESS: No.

10 MS. THOMPSON: And then the four  
11 sanitizable buffing blocks, that's highlighted.

12 THE WITNESS: Yeah, that's  
13 highlighted because I'm replacing -- it was -- in  
14 the first contract, it was two sanitizable blocks,  
15 and then it was one yellow manicure block and one  
16 pink pedicure block. So I replaced the yellow and  
17 the pink for four sanitizable buffing blocks.

18 MS. THOMPSON: Okay.

19 THE WITNESS: And then other thing  
20 the same line, I got the glass seal.

21 MS. THOMPSON: Back to the 500 count  
22 here. Professional nail tips, 500 count. Just 500  
23 count is highlighted.

24 THE WITNESS: Because I -- it was a  
25 hundred.

1 MS. THOMPSON: So you've increased  
2 it.

3 THE WITNESS: I increase it to 500.

4 MS. THOMPSON: All right. So that's  
5 just an addition, okay.

6 THE WITNESS: Yes.

7 MS. THOMPSON: Then the glass seal.  
8 Now we're to the glass seal.

9 THE WITNESS: The glass seal, I --  
10 I'm replacing it for the tucco, for the regular  
11 tucco. Because the glass seal that I got on my  
12 kits, it was like a very thick gooey tucco, and I  
13 really didn't like it so I replace it for the  
14 regular tucco.

15 The glass file, I -- I'm taking it out because  
16 it break so easy. And I -- I -- I really think  
17 that's not safe for the students when they don't  
18 know exactly what they doing. That's why I replace  
19 it.

20 MS. THOMPSON: But where acrylic  
21 is highlighted, when it says "One acrylic nail  
22 liquid, 4 ounces," just the word "acrylic" is  
23 highlighted.

24 THE WITNESS: I probably make a  
25 mistake on that one; I apologize for that.

1 MS. THOMPSON: That's okay. I'm  
2 just wanting to make sure that we're clear on this.

3 THE WITNESS: Uh-huh.

4 MS. THOMPSON: And you're removing  
5 the glass file. The sterilizer tray, you've  
6 decided to just substitute a jar.

7 THE WITNESS: Uh-huh.

8 MS. THOMPSON: Okay. You've  
9 removed, over on the right-hand column, the yellow  
10 and the pink block because now you've just done  
11 four blocks.

12 THE WITNESS: Uh-huh.

13 MS. THOMPSON: The six nail files,  
14 you've implemented you want 12 files over here, so  
15 that's an addition as well. And then you're adding  
16 cotton, barbicide, gloves, acetone and tweezers.

17 THE WITNESS: Yes.

18 MS. THOMPSON: Those are the only  
19 changes to the kit.

20 THE WITNESS: Uh-huh.

21 MS. THOMPSON: Okay.

22 THE WITNESS: Now I have one  
23 question that is about my contract is that a salon  
24 called me like a week ago, asking if I could send  
25 volunteer students to their salon. It's in

1 Simpsonville. And they -- they was going to have  
2 like a big prom party, or whatever, and they want  
3 me to send students to volunteer to do manicures  
4 and pedicures. And I told them "I'm sure about, if  
5 I can do that or not." But I say "I'm going to the  
6 board meeting on Tuesday. I can ask them, since  
7 I'm going to be there, to make sure that that's  
8 allowed."

9 MS. THOMPSON: Okay. Again,  
10 somewhat of a hypothetical question because I don't  
11 really know exactly what the spa's intentions were,  
12 what they were trying to do.

13 THE WITNESS: Uh-huh.

14 MS. THOMPSON: I can tell you that  
15 in order to work on the public and be paid, you  
16 have to have a license. So your student would not  
17 be allowed to do that.

18 THE WITNESS: She say volunteering,  
19 though.

20 MS. THOMPSON: Okay. Hold on just a  
21 second.

22 THE WITNESS: Uh-huh.

23 MS. THOMPSON: If they're hosting an  
24 event and it's going to be free; it's a charity  
25 event, let's say, and no one's paying for anything,

1 and it's very clear that this is a free thing, and  
2 they're not expected to get credit from your  
3 school. The people attending this event in the spa  
4 are not led to believe that licensees are working  
5 on them, it can be very convoluted and gray there.

6 THE WITNESS: Okay.

7 MS. THOMPSON: What I would advise  
8 you as a school owner, avoid that.

9 THE WITNESS: Okay. I will.

10 MS. THOMPSON: You can, as a school  
11 owner and instructor, have a field trip  
12 occasionally for your students, but that becomes  
13 where you as the instructor are responsible for  
14 validating that they have gone to a spa to see how  
15 it functions. You've spent two hours there. Your  
16 class is there. Everybody's accounted for.  
17 They've learned how to schedule something like  
18 that.

19 THE WITNESS: Okay.

20 MS. THOMPSON: And give them credit  
21 because you are there, responsible for them and  
22 it's a field trip.

23 THE WITNESS: Okay.

24 MS. BROWN: She could also do -- I  
25 don't know -- do you have a clinic?

1 THE WITNESS: Yes, we do.

2 MS. BROWN: She could have clinic.  
3 They could be -- you know, and she has the students  
4 that are able to actually do the work on clients.

5 THE WITNESS: I asked her.

6 MS. BROWN: She could do that.

7 THE WITNESS: I asked her if she  
8 wanted to bring the customers to the school, and  
9 she say "No."

10 MS. BROWN: Okay.

11 THE WITNESS: She say, "Well, I will  
12 feel more comfortable if the students come here."  
13 And I asked her, I said, "Do you want me to take  
14 the students and be there with them? Or you want  
15 them to go?" And she say, "No, you can send them  
16 over." I'm like, "I'm not feeling this very good."

17 MS. THOMPSON: I think that goes  
18 back to, you know, is she -- there is a school in  
19 my area who participated in a fund-raising event,  
20 and it was treated like a field trip. The  
21 instructor went. It was the senior students who  
22 were close to graduation, and it was a cut-a-thon,  
23 and it was at a salon. Students were shampooing,  
24 and they were just -- but everyone who came knew  
25 that the students were the ones doing the

1 shampooing, but the actual haircuts of the cut-a-  
2 thon --

3 THE WITNESS: Was licensed.

4 MS. THOMPSON: -- these people were  
5 paying; it was a charitable donation. But they  
6 knew their hair was being cut by a licensed  
7 cosmetologist.

8 THE WITNESS: Uh-huh.

9 MS. THOMPSON: So in that particular  
10 situation, that was handled appropriately. Without  
11 us knowing what the spa was wanting from you, it  
12 would be hard to make a --

13 THE WITNESS: Well, I never know  
14 this lady before. She just called the school.

15 (Talking over one another.)

16 MS. THOMPSON: The instructor was  
17 there with hands-on.

18 THE WITNESS: Uh-huh. Pink  
19 Butterfly is the name of the salon.

20 MS. RODGERS: What?

21 THE WITNESS: Pink Butterfly.

22 MS. BROWN: Pink Butterfly?

23 MS. THOMPSON: Pink Butterfly?

24 THE WITNESS: Uh-huh.

25 MS. CURTIS: Pink Butterfly? Never

1 heard of it.

2 THE WITNESS: It's in Simpsonville.

3 MS. CURTIS: I've lived in  
4 Simpsonville for many years and never heard of --

5 THE WITNESS: Yeah.

6 MS. CURTIS: -- Pink Butterfly.

7 THE WITNESS: I know the owner is  
8 not from here because her phone number have a  
9 different area code.

10 MS. CURTIS: Oh, it has a different  
11 area code?

12 THE WITNESS: The phone number. The  
13 cell phone of the salon owner have a different area  
14 code.

15 MS. CURTIS: Okay.

16 MS. THOMPSON: Okay. So anyway --

17 THE WITNESS: I'm just making sure  
18 because, like I tell Byron every time I call to ask  
19 him my -- my silly questions, I say, "I just don't  
20 want to get in trouble."

21 MS. THOMPSON: But this is the  
22 thing, though. I think that you need to rely more  
23 heavily on the regulations and the statutes that  
24 govern this industry, okay? It says in there what  
25 you can and can't do with your students.

1 THE WITNESS: Uh-huh.

2 MS. THOMPSON: Rely on that. Read  
3 that first. You as a school owner should be very  
4 familiar with those because, essentially, you need  
5 to be teaching your students what's going to govern  
6 them when they're licensed, okay? So we need to  
7 entertain a motion as to the disposition of the  
8 change in the contract for Institute of Nail  
9 Artistry, changing the hours and days of operation  
10 to Monday through Thursday, 10 to 3 and 4 to 9.

11 MS. RODGERS: I'll make a motion to  
12 approve.

13 MS. CURTIS: Second.

14 MS. THOMPSON: Have a motion and a  
15 second to approve the days and hours of operation,  
16 Institute of Nail Artistry.

17 THE WITNESS: Thank you.

18 MS. THOMPSON: Any further  
19 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. Now, just for clarity and to have on the

1 record, I would like to entertain a motion to  
2 approve the changes of her student kit, as  
3 specified previously by Ms. Hernandez.

4 MS. RODGERS: Make a motion to  
5 approve.

6 MS. BROWN: Second.

7 MS. THOMPSON: I have a motion and a  
8 second to approve the changes to the kit, which  
9 were primarily replacements or additions. Any  
10 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? The motion  
16 carries. Again, Ms. Hernandez, I need to stress to  
17 you that you understand, if you're not going to be  
18 in that building with those students, you have to  
19 have a licensed instructor there, unless it's an  
20 emergency, okay?

21 THE WITNESS: Okay.

22 MS. THOMPSON: Thank you.

23 THE WITNESS: Thank you.

24 \*\*\*\*\*

25 MS. THOMPSON: Okay. Next on the

1 agenda is discussion, discussion on the difference  
2 between Methods of Teaching and 750 hours. Not  
3 sure where this is from, who this is from.

4 MR. RAY: I was told that Doris --

5 MS. THOMPSON: I haven't spoken to  
6 George.

7 MR. RAY: Doris.

8 MS. THOMPSON: Oh, I'm sorry, I  
9 thought you said George.

10 MR. RAY: Doris.

11 MS. THOMPSON: George Barr is what I  
12 thought you were saying, George. I mean, if I need  
13 to for the record, state again the difference  
14 between -- I'm not sure if there was confusion. I  
15 don't know.

16 Methods of Teaching is a 45-hour course that  
17 is required to obtain your instructor's license in  
18 South Carolina. The Methods of Teaching course  
19 itself does not have to be cosmetology-specific.  
20 It is a 45-hour course in the teaching methodology.  
21 The one I took was done -- it was given by a man  
22 from Clemson, and there was someone in there who  
23 was going to be a mortician. There was someone  
24 else who was going to be an electrician. To teach  
25 instructors for those professions. So it's 45

1 hours and it's just basic teaching methods. The  
2 difference --

3 MS. BROWN: When did it get to be  
4 all these other hours then?

5 MS. THOMPSON: What other hours?

6 MS. BROWN: The 750.

7 MS. THOMPSON: That's different.  
8 That's what I'm explaining. The 45 hours is  
9 required, period. If you are a licensed -- and I'm  
10 going to use cosmetology, but this pertains to all  
11 three modalities of this industry. If you're a  
12 licensed cosmetologist for two years or longer, you  
13 only would have to take the 45 hour Methods course  
14 in order to sit for your examination to obtain your  
15 license as an instructor.

16 If you have not held your individual  
17 cosmetology license for at least two years, at that  
18 point, you have to take 750 hours of an instructor  
19 training program and the 45 hours of Methods before  
20 you can sit for the exam to become an instructor.  
21 Is that clear?

22 MS. BROWN: Yes.

23 MS. THOMPSON: School  
24 representatives in the back, is that clear and  
25 precise?

1 MS. SHULER: Yes. You either do  
2 it --

3 MS. THOMPSON: It's one of two ways.  
4 You're either --

5 MS. SHULER: Yes.

6 MS. THOMPSON: Right. You're either  
7 licensed for two years or longer or you take the  
8 750. But either -- both of those, you still have  
9 to have 45 hours of Methods.

10 MS. SHULER: Yes.

11 MS. THOMPSON: So at the end of the  
12 day, everybody who's going to be an instructor has  
13 to have 45 hours of Methods. But the difference  
14 is, are you going to be licensed for two years and  
15 then get it? Or are you going to get your license  
16 and immediately enroll in a 750 program, period.

17 MS. LARGE: Can I also clarify.  
18 I think you had spoken at one point --

19 MS. THOMPSON: Stand up and state  
20 your name for the record.

21 MS. LARGE: Colleen Large. I think  
22 we had also clarified that that wasn't just two  
23 years of licensure. It was actually two years of  
24 working experience in the field, not just having a  
25 license and letting it sit and doing something

1 else.

2 MS. THOMPSON: Correct. But just  
3 the difference between the 750 hours and the 45  
4 hours, it's apples and oranges. The 45 hours,  
5 you have to have regardless. The 750 is what you  
6 have to have if you've not held your individual  
7 license --

8 MS. LARGE: For two years.

9 MS. THOMPSON: -- and been  
10 practicing long enough.

11 MS. LARGE: Period.

12 MS. THOMPSON: So I'm not sure -- I  
13 don't recall as to that. But anyway, it's always  
14 good to clarify. Anything else discussion-wise on  
15 that? We can go on. Public comment. Really?  
16 Wow. No public comment?

17 Just for the record, we will anticipate that  
18 the July meeting will be two days. We are still  
19 operating under a two-day allotment until it's  
20 determined by the chairman that we don't need two  
21 days. That determination will be made based on the  
22 weight and the thickness of the packet. So, Board  
23 Members, plan for it. We're going to hope to have  
24 it ironed out so it's not going to require it, but  
25 we're going to hope. I mean, we're going to still

1 plan on it and hope for the best.

2 Remind you the board meeting, board members,  
3 we have hearings. June 18th is the first date that  
4 we all submitted. Again, I just need to make sure  
5 everyone was clear. Everyone submitted dates that  
6 they were and weren't available. I sent those to  
7 Andrew. Andrew selected the ones he wanted. There  
8 may be one of those dates that a board members said  
9 "I'm not available," and that's fine. We had  
10 established that on all the dates that Andrew was  
11 offered, that we would at least have a quorum. So  
12 if it happens to be a date you said you personally  
13 were not available, that would mean that the other  
14 board members were; we have a quorum. Okay.

15 So there was a little bit of confusion about  
16 that. But as of right now, it's June the 18th is  
17 the next one. The following one is in July; it's  
18 the end of July. The hope is that we're getting  
19 some these, the backlogs taken care of, and then we  
20 will hopefully have a more routine, regular  
21 schedule in the rotation, so it won't be kind of  
22 the sporadic and at the last minute, but we're  
23 playing catch-up at the moment.

24 MS. BROWN: Are these on the phone?

25 Or are these --

1 MS. THOMPSON: No, these are in-  
2 person. You'll come to Columbia. Uh-huh.

3 MS. WEBB: What was the July date  
4 again?

5 MS. THOMPSON: I think it's the  
6 27th, but I don't know right off the top of my  
7 head.

8 MS. MCCARTHA: I worked with him on  
9 getting the dates scheduled, so I --

10 MS. THOMPSON: I think it's the  
11 27th.

12 MS. MCCARTHA: It's the 25th or the  
13 27th of July. It's the 27th.

14 MS. BROWN: So it's June the 18th?

15 MR. RAY: That's correct.

16 MS. THOMPSON: He said potentially  
17 that. He didn't lock that in, I don't think. He  
18 said at that particular point --

19 MS. MCCARTHA: We have it at noon  
20 right now. We can probably bump it up earlier if  
21 you wanted to, but right now --

22 MS. THOMPSON: That may -- was that  
23 one of the dates you said you weren't available  
24 until noon? And I think maybe there was --

25 MS. RODGERS: That was on a Friday.

1 MS. THOMPSON: There may be another  
2 board member who was out. So in order to have a  
3 quorum, we had to start at noon, I think.

4 MS. RODGERS: Noon.

5 MS. THOMPSON: You're out in June, I  
6 think.

7 MS. NYE: I think I am out the June  
8 date.

9 MS. THOMPSON: Okay.

10 MS. NYE: And I can be here July,  
11 but not June.

12 MS. THOMPSON: Right. And again,  
13 the last email I had from Andrew was that that's  
14 what we were working toward. But getting closer to  
15 the date, he would have a better idea of how many  
16 cases we would have and that may be tweaked a  
17 little more. But that would happen closer to the  
18 actual date. But as of right now, all you need to  
19 worry about is June 18th.

20 MS. MCCARTHA: At 10 a.m.

21 MS. THOMPSON: Yeah. That one's  
22 going to start at ten. It's indefinitely. We have  
23 no idea how long it will take.

24 MS. BROWN: You said ten?

25 MS. THOMPSON: Uh-huh. Ten, here at

1 LLR. Don't know the room yet. Well, I guess we'll  
2 get that a little closer.

3 MS. MCCARTHA: Byron will schedule a  
4 room.

5 MS. THOMPSON: Byron will schedule  
6 us a room and then we'll shoot out emails, let you  
7 know. Okay? Anything else?

8 MS. NYE: Is there an event in  
9 early June that you were talking about, something  
10 for us?

11 MS. THOMPSON: Yes. It's the school  
12 overview, and let me just pull this up real quick.  
13 I'll give you that.

14 MS. NYE: So I have it on my  
15 calendar.

16 MS. THOMPSON: Uh-huh. And I can  
17 actually tell you exactly what's happening on each  
18 day.

19 MS. RODGERS: 1, 2, 3, 4.

20 MS. THOMPSON: That's what we're  
21 talking about right now.

22 MS. RODGERS: 1, 2, 3, 4.

23 MS. THOMPSON: I'm getting ready to  
24 tell you right now. Sunday, June 3rd, Monday, June  
25 4th, PCS will be conducting its annual examiner

1 training. For those not familiar, this is where  
2 the examiners are re-certified to be examiners for  
3 the NIC practical examination. It's a requirement  
4 that each examiner must be re-certified yearly.  
5 Training will take place at the Double Tree Hotel  
6 from 9 to 5 both days. Board members and staff who  
7 have not observed this process are requested to  
8 attend at least one of those days, so that you can  
9 familiarize yourself with the testing process.

10 On Saturday, June the 2nd from 11 to 3, PCS  
11 will conduct a annual school overview. This is  
12 provided for all South Carolina schools, to fully  
13 inform the schools as to what the practical exam  
14 consists of, so as to better prepare their  
15 students. Again, it's a valuable tool that both  
16 staff and board members should attend.

17 MS. NYE: But do we need to sign up?

18 MS. BROWN: You said on Saturday.

19 Is that what time? It's at what time?

20 MS. THOMPSON: Saturday, June the  
21 2nd from 11 to 3. This is the school overview.  
22 This is where PCS will be explaining and going over  
23 the examination, for the schools to take that  
24 information and go back to their schools to prepare  
25 their students to test.

1 MS. BROWN: Double Tree?

2 MS. THOMPSON: 11 to 3, Double Tree.

3 MS. BROWN: Double Tree.

4 MS. THOMPSON: And Sunday and Monday  
5 is the re-certification program for the examiners.  
6 The examiners are the proctors, the ones who are at  
7 the exam, administering the examination. They have  
8 to be re-certified. Those Sunday and Monday are  
9 the two days that that happens. At that point,  
10 just one of the days, really, would be all that  
11 you'd need to try and do, if you could do it at  
12 all.

13 MS. BROWN: Do you have a suggestion  
14 about how long? I went to one last year, I think.

15 MS. THOMPSON: If you've been to  
16 one, and since you've monitored the exam, I  
17 wouldn't necessarily think you would have to be  
18 there all day.

19 MS. BROWN: Right.

20 MS. THOMPSON: If you wanted to pop  
21 in just to see if there's anything new, then that  
22 would be great. For the new ladies, you know,  
23 obviously, it's an entire weekend. It's kind of  
24 last-minute. My philosophy is "some's better than  
25 none." Be there as much as you can. But,

1 obviously, if you have something else that's more  
2 pressing --

3 MS. CURTIS: Do we need to register  
4 for this?

5 MS. THOMPSON: No.

6 MS. CURTIS: Just show up?

7 MS. THOMPSON: Uh-huh.

8 MS. NYE: Is that information on the  
9 website?

10 MS. THOMPSON: No. I can forward it  
11 to you.

12 MS. NYE: Yes. Would you, please.

13 MS. THOMPSON: Uh-huh. I can do  
14 that. Is there anything else? I'll entertain a  
15 motion to adjourn.

16 MS. BROWN: I'd like to make a  
17 motion to adjournment.

18 MS. THOMPSON: I have a motion. Do  
19 I have a second?

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. We're adjourned.

4 \*\*\*\*\*

5 (Whereupon, the meeting/hearings were

6 adjourned at 3:26 p.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## 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 15TH DAY OF MAY, 2012,  
7 AND THAT THE FOREGOING 229 PAGES CONSTITUTE A TRUE AND  
8 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 MAY, 2012.

21

22 \_\_\_\_\_  
23 CECELIA P. ENGLERT, COURT REPORTER  
24 MY COMMISSION EXPIRES JUNE 03, 2018

24

25