

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

THOA T. NGUYEN, ET AL.
Plaintiffs

CIVIL ACTION NO.: 3:14-cv-00080

JUDGE BRIAN A. JACKSON

VERSUS

LOUISIANA STATE BOARD OF
COSMETOLOGY, ET AL.
Defendants

MAGISTRATE JUDGE RICHARD L.
BOURGEOIS, JR.

CANGELOSI'S FRCP RULE 56
MOTION FOR SUMMARY JUDGMENT
ON THE BASIS OF PRESCRIPTION

NOW INTO COURT, through undersigned counsel, comes Celia R. Cangelosi ("Cangelosi"), named defendant herein, who moves this Court to dismiss the complaint of Hanh Hoang d/b/a Aloha Nails #2 ("Hanh Hoang") against her under Rule 56 of the Federal Rules of Civil Procedure, on grounds that the summary judgment evidence shows that the claims of Hanh Hoang against Cangelosi are untimely and prescribed.

Wherefore, defendant, Celia R. Cangelosi, prays that, the premises considered, her motion for summary judgment be granted and the claims of Hanh Hoang be dismissed, with prejudice, at Hanh Hoang's cost.

/s/ Paul H. Spaht
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing FRCP Rule 56 Motion for Summary Judgment was this date electronically filed with the Clerk of Court using the Court's CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system and to all non-CM/ECF participating parties or counsel by this date depositing same in the United States Mail, first class postage prepaid and properly addressed.

Baton Rouge, Louisiana, this 13th day of November, 2015.

/s/Paul H. Spaht
PAUL H. SPAHT

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

THOA T. NGUYEN, ET AL.
Plaintiffs

CIVIL ACTION NO.: 3:14-cv-00080

JUDGE BRIAN A. JACKSON

VERSUS

LOUISIANA STATE BOARD OF
COSMETOLOGY, ET AL.
Defendants

MAGISTRATE JUDGE RICHARD L.
BOURGEOIS, JR.

CANGELOSI MEMORANDUM IN SUPPORT OF FRCP RULE 56
MOTION FOR SUMMARY JUDGMENT ON THE BASIS OF PRESCRIPTION

MAY IT PLEASE THE COURT:

Preliminary Statement:

On **February 6, 2014**, Hanh Hoang d/b/a Aloha Nails #2 (“Hanh Hoang”) and others filed this action pursuant to 42 U.S.C. § 1983 against the Louisiana State Board of Cosmetology, Sherri Stockstill, Margaret Keller (collectively the “LSBC Defendants”), Celia R. Cangelosi (“Cangelosi”), and others who have since been dismissed. (R. Doc. 1). The specific allegations of Hanh Hoang against the defendants are contained in the complaint at paragraphs 9 and 23. In paragraph 9, Hanh Hoang complains that she was the owner of Aloha Nail 2; that around **April or May of 2012** Margaret Keller (“Keller”) made an improper and humiliating inspection of her salon in front of patrons and cited her for over \$3,000 worth of violation fees; that **by late 2012** she “could no longer take the unpredictable and frequent inspections and had to sell her salon business to escape from LSBC’s inspector’s harassment and intimidation,” and that she has suffered substantial loss of profits **since the inspection**. *See*, R. Doc. 1, Complaint, para. 9. In paragraph 23, Hanh Hoang complains that she has been subject to numerous inspections since she opened her store and other nearby non-Asian owned salons were not inspected or with such frequency. *See*, R. Doc. 1, Complaint, para. 23.

The complaint was filed on **February 6, 2014**, well more than one year after the alleged wrongful inspections,¹ well more than one year after Hanh Hoang sold her salon,² and well more than one year after Hanh Hoang entered into consent agreements disposing of the violations asserted against her, supposedly under pressure.³ The claims asserted by Hanh Hoang are untimely and prescribed.

Factual Background:

The deposition of Hanh Hoang has been taken, and therein Hanh Hoang confirmed the key facts and dates set forth in the table below. In examining this table, it should be noted that the brother-in-law of Hanh Hoang's is Anh "Joseph" Cao, the attorney for the plaintiffs in this case.⁴

2010	Hanh Hoang bought and opened Aloha Nails #2. (Exhibit 1 – Hanh Hoang dep. at 13-14 and 207).
From opening until May 1, 2012	<p>At the first inspection of Aloha Nails #2, the inspector was "nice to me." (Exhibit 2 at p. 6, answer to interrogatory no. 17). As stated by Hanh Hoang in this answer:</p> <p style="padding-left: 40px;">She [inspector] insinuated that if I take care of her, that she would take care of me. She came back at least twice a year or maybe more times to inspect my store. Her attitude totally changed after her first visit to my salon. I believed that because I ignored her remarks about her taking care of me if I take care of her. I think she was trying to get me to bribe her. <i>Id.</i></p> <p>Hanh Hoang alleges in her complaint that she "has been subjected to numerous inspections since the opening of her store which she believes were made predominantly, if not solely, because she is Vietnamese." (R. Doc. 1 at para. 9) Hanh Hoang claims that she called the board during her second year of operation and complained about the number of inspections. (Exhibit 1 at 141-42).</p>

¹ The primary inspection of which Hanh Hoang complains occurred on May 1, 2012, as documented *infra*. See R. Doc. 1, para. 23. She also complains about the "numerous" inspections before May 1, 2012. *Id.*, para. 23.

² Hanh Hoang sold her salon on September 1, 2012, as documented *infra*.

³ Hanh Hoang signed the consent agreements on October 23, 2012, as documented *infra*.

⁴ Exhibit 1 at 56.

May 1, 2012 inspection	<p>An inspection by Margaret Keller of Aloha Nails # 2 occurred on May 1, 2012. (Exhibit 1 at 10; Exhibit 3 – Inspection Report, and Exhibit 4 – Notice of Violation Nos. 37838, 37840, 37841, and 37842). During this inspection, Hanh Hoang claims that Keller did not introduce herself, treated her very badly before customers and one of her employees, made a commotion, treated her like a criminal, and was very aggressive. (Exhibit 1 at 118-22, 129-32, 136-41). Hanh Hoang thinks that Keller was trying to bribe her. <i>Id.</i> at 131. The inspection was “really bad on my business.” <i>Id.</i> at 165. It caused Hanh Hoang stress and a lot of anxiety, and that’s why she sold her store. <i>Id.</i> at 48, 53-54, 109, 166. In the words of Hanh Hoang, “That’s why I have to sell my business, because I worry a lot.” <i>Id.</i> at 54. Hanh Hoang believes that Cangelosi was involved in the May 1, 2012 inspection because “she allows the inspector to come to my store constantly for inspection, which is more than once a year.” (Exhibit 2 at p. 4, answer to interrogatory no. 6).</p>
May 1, 2012, following inspection	<p>After the inspection on May 1, 2012, Hanh Hoang had “suspicion that she [inspector] treat me differently.” (Exhibit 1 at 38). In the same shopping center as Aloha Nails #2 was a hair salon, Lyon’s Den Hair Salon. <i>Id.</i> at 36. Lyon’s Den was owned and operated by white Americans, non-Asians. <i>Id.</i> at 129. On the same day as the May 1, 2012 inspection and because of her suspicion that she was being treated “differently,” Hanh Hoang “go ask” Kristi, owner of Lyon’s Den, about how often she was inspected and how she was treated during the inspections. <i>Id.</i> at 36-38. Kristi supposedly told Hanh Hoang that she was inspected “most of the time, once a year,” and she was not given a hard time during those inspections. <i>Id.</i> at 36-37. In her deposition, Hanh Hoang referred to her conversation with Kristi and the supposed lack of inspections of Lyon’s</p>

	<p>Den when asked for evidence that she was supposedly being targeted for inspection because of her race, as she alleges in her complaint. <i>Id.</i> at 35-38. Customers of Aloha Nails #2 who worked at different hair salons also supposedly told Hanh Hoang that “they never have that kind of problem in their store.” <i>Id.</i> at 51-52. Similarly, in her answer to Cangelosi’s interrogatory no. 5 (which asked Hanh Hoang to “[i]dentify and describe in detail any evidence which supports your contention that inspections of your store ‘were made predominantly, if not solely, because she is Vietnamese,’ as you allege in paragraph 8 of your complaint (R. Doc. 1 at 9),” she responded:</p> <p style="padding-left: 40px;">I know that non-Asian-owned salons down the street have inspections too but the inspectors do not treat them the way I was treated. Lyon’s Den Hair Studio does not get discriminatory inspections like my salon.</p> <p style="padding-left: 40px;">(Exhibit 2 at p. 4, answer to interrogatory no. 5)</p>
September 1, 2012	<p>Hanh Hoang sold her store and equipment on September 1, 2012. (Exhibit 1 at 217). Prior to the sale, Hanh Hoang claims profits of around \$2,000 - \$3,000 a week. (Exhibit 2 at p. 6, answers to Cangelosi interrogatory nos. 13 and 14.) In her complaint, Hanh Hoang alleges that she has suffered substantial loss of profits since the inspection. (R. Doc. 1 at para. 9).</p>
September 26, 2012	<p>Stephen Young, Executive Director of the LSBC (“Young”), mailed Hanh Hoang a letter dated September 26, 2012, notifying her that the LSBC would hold an administrative hearing on December 3, 2012. (Exhibit 5 – Young letter 9/26/2012). The letter included a sentence, “We further advise you that these are serious charges and that you should consult an attorney.” <i>Id.</i> Hanh Hoang talked to and sought advice from her brother-in-law, Mr. Cao, and Thomas Hoang of the Cao Law Firm regarding the letter. (Exhibit 1 at 55-57). Although the letter was signed by Mr. Young, Hanh Hoang</p>

	<p>believed that Mr. Young and Cangelosi sent the letter to her. (Exhibit 1 at 39, 44-45 – “[T]hey [Young and Cangelosi] sent it to me,” and “She [Cangelosi] sent me the letter, which is the certified mail,” and “They [Young and Cangelosi] send me the letter.”) The letter caused her anxiety. <i>Id.</i> at 45. Hanh Hoang called Cangelosi to tell her side, that everything they write is not true, but Cangelosi was supposedly “disrespectful and have attitude.” <i>Id.</i> at 49. Hanh Hoang interpreted the letter to say, “you pay the fine or they’ll revoke your license.” <i>Id.</i> at 55</p>
After September 26, 2012	<p>Hanh Hoang was advised by Mr. Cao that she could appeal, but the lawyer was working for the State board. (Exhibit 1 at 56) It would be hard for Hanh Hoang to find her rights, because Cangelosi was working for the State board. <i>Id.</i> Hanh Hoang heard the same from the community. <i>Id.</i> They said, “even though you make an appeal, it’s not going to work because the lawyer works for the State board.” <i>Id.</i> Hanh Hoang did not think she would get a fair hearing from the board. (Exhibit 1 at 76).</p>
October 12, 2012	<p>Cangelosi mailed proposed consent agreements to Hanh Hoang for her “review and consideration” on October 12, 2012. (Exhibit 6 – Cangelosi letter 10/12/2012 with proposed consent agreements attached). According to Hanh Hoang, “She [Cangelosi] said that I need to agree to pay for the fine. If it’s not, then my license will be terminated.” (Exhibit 1 at 79).</p>
October 23, 2012	<p>Hanh Hoang signed the proposed consent agreements and paid the fine and costs stated therein on October 23, 2012. (Exhibit 1 at 92-93; Exhibits 7 and 8). She allegedly signed because of what Cangelosi put her through. (Exhibit 1 at 45 – “She [Cangelosi] did give me that letter, because I agreed to pay because of what she put me through and I just wanted to agree to that.”) Hanh Hoang allegedly agreed because they put her</p>

	under pressure. <i>Id.</i> at 60. Cangelosi was allegedly “disrespectful and have attitude.” <i>Id.</i> at 49.
November 5, 2012	LSBC approved the consent agreements signed by Hanh Hoang on November 5, 2012. (Exhibits 7 and 8).
February 6, 2014	Hanh Hoang and others filed complaint in federal court on February 6, 2014. (R. Doc. 1).

Law and Argument:

1. Standard for Summary Judgment:

Upon a showing that there is no genuine issue of material fact, the court may grant summary judgment on all or any part of Plaintiffs’ claim. FRCP Rule 56(a). FRCP Rule 56(c) states that the court shall grant summary judgment if:

the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.

Material facts are determined by the substantive governing law. The moving party has the burden of demonstrating the absence of a genuine issue of fact for trial. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 at 248 and 249 (1986).

2. Applicable Prescriptive Period:

Because there is no independent federal statute of limitations for actions brought pursuant to 42 U.S.C. § 1983, federal courts borrow from the most consonant statute of limitations of the forum state.⁵ For § 1983 cases brought in Louisiana federal courts, the appropriate statute of limitations is one year. *See*

⁵*Wallace v. Kato*, 549 U.S. 384, 387, 127 S.Ct. 1091 (2007); *Owens v. Okure*, 488 U.S. 235, 240-41, 109 S.Ct. 573 (1989); *Kittrell v. City of Rockwall*, 526 F.2d 715, 716 (5th Cir.), cert. denied, 426 U.S. 925, 96 S.Ct. 2636 (1976).

Louisiana Civil Code art. 3492.⁶

Although Louisiana law governs the limitations period, federal law governs when a cause of action arises.⁷ Under federal law, a cause of action arises “when the plaintiff knows or has reason to know of the injury which is the basis of the injury.”⁸ Or, as stated by the Supreme Court in *Wallace v. Kato*:

Aspects of § 1983 which are not governed by reference to state law are governed by federal rules conforming in general to common-law tort principles. See *Heck, supra*, at 483, 114 S.Ct. 2364; *Carey v. Piphus*, 435 U.S. 247, 257–258, 98 S.Ct. 1042, 55 L.Ed.2d 252 (1978). Under those principles, it is “the standard rule that [accrual occurs] when the plaintiff has ‘a complete and present cause of action,’” *Bay Area Laundry and Dry Cleaning Pension Trust Fund v. Ferbar Corp. of Cal.*, 522 U.S. 192, 201, 118 S.Ct. 542, 139 L.Ed.2d 553 (1997) (quoting *Rawlings v. Ray*, 312 U.S. 96, 98, 61 S.Ct. 473, 85 L.Ed. 605 (1941)), that is, when “the plaintiff can file suit and obtain relief,” *Bay Area Laundry, supra*, at 201, 118 S.Ct. 542. There can be no dispute that petitioner could have filed suit as soon as the allegedly wrongful arrest occurred, subjecting him to the harm of involuntary detention, so the statute of limitations would normally commence to run from that date.⁹

(Underscoring added).

3. The claims of Hanh Hoang are untimely and prescribed.

The critical facts in this case are set forth in the table *supra*, and all of those facts occurred more than one (1) year before this suit was filed. Hanh Hoang is primarily critical of the way the inspection on May 1, 2012, was conducted, claiming that the inspector did not introduce herself, was disrespectful and rude, caused a commotion, and treated her like a criminal before customers. She even thinks the inspector was trying to bribe her. She believes Cangelosi was involved in this inspection. The inspection caused her much stress and anxiety and to sell her salon. The inspection occurred on May 1, 2012, approximately twenty (20) months before the suit was filed.

On the same day as the inspection, Hanh Hoang thought she was being treated differently because of her race. She spoke to Kristi, owner of Lyon’s Den. According to Hanh Hoang, Kristi confirmed that

⁶*Elzy v. Roberson*, 868 F.2d 793, 794-95 (5th Cir. 1989); *Washington v. Breaux*, 782 F.2d 553, 554-55 (5th Cir. 1986).

⁷*Jackson v. Johnson*, 950 F.2d 263, 265 (5th Cir. 1992).

⁸*Jackson*, 950 F.2d at 265; *Moore v. McDonald*, 30 F.3d 616, 620 (5th Cir. 1994).

⁹*Wallace v. Kato*, 549 U.S. at 387 (2007).

Lyon's Den (which was located in the same shopping center as Aloha Nails #2 and owned by white Americans) was being inspected less than Aloha Nails #2 and being treated differently from Aloha Nails #2 during the inspections. Hanh Hoang concluded that she and Aloha Nails #2 were being targeted for inspections because of her Vietnamese race. (Exhibit 1 at 35-38; Exhibit 2 at p. 4, answer to interrogatory no. 5). This was on May 1, 2012.

The inspection and the stress, anxiety, and worry which it caused forced Hanh Hoang to sell her store. Hanh Hoang sold her salon on September 1, 2012, approximately seventeen (17) months before the suit was filed.

Hanh Hoang claims that she was pressured into signing the consent agreements (and paying the fines set forth therein) by Young and Cangelosi. On September 26, 2012, Young and Cangelosi sent a letter to her notifying her that the LSBC would hold an administrative hearing on December 3, 2012. (Exhibit 5). Although the letter was signed by Young, Hanh Hoang thought the letter was being sent to her by Young and Cangelosi. (Exhibit 1 at 39, 44-45). In addition, she claims that Cangelosi called her. According to Hanh Hoang, "She [Cangelosi] said that I need to agree to pay for the fine. If it's not, then my license will be terminated." (Exhibit 1 at 79). In the words of Hanh Hoang, she "agreed because they [Young and Cangelosi] put me under pressure." *Id.* at 60.

Hanh Hoang signed the consent agreements and paid the fines and costs set forth therein on October 23, 2012. (Exhibits 7 and 8). This was approximately fifteen (15) months before the suit was filed.

One overriding undisputed fact is that Hanh Hoang consulted with her brother-in-law, Anh Cao, well more than one (1) year before the suit was filed. The letter dated September 26, 2012, included a sentence, "We further advise you that these are serious charges against and that you should consult an attorney." (Exhibit 5). Hanh Hoang spoke to and obtained advice from her brother-in-law, Mr. Cao, and Thomas Hoang of the Cao Law Firm regarding the letter. (Exhibit 1 at 55-57). Although Hanh Hoang could not remember if she showed Mr. Cao the consent agreements, she admitted that she spoke to him

“for advice” after she received the September 26, 2012 letter. *Id.* at 57-58, 178-186.

From all of the above, it is clear that the claims of Hanh Hoang are untimely and prescribed. It is not necessary to pinpoint exactly when a one-year prescription period commences to run, as long as that trigger is more than one year before suit is filed. In the instant case, it is asserted that the claims of Hanh Hoang accrued on May 1, 2012, when the alleged rude and unlawful inspection occurred, and the notices of violation were issued. On that day, Hanh Hoang believed that she was being targeted for inspection because of her race, a belief that was confirmed in her mind by her conversation later that day with Kristi of Lyon’s Den. On May 1, 2012, Hanh Hoang had both actual and constructive knowledge of her injury and the alleged wrongful conduct by the defendants, and she could have filed suit at that time.

If not then, the claims of Hanh Hoang accrued on September 1, 2012, when she sold her salon because of the supposed stress, anxiety, and worry caused by the inspection. And if not then, her claims certainly accrued no later than October 23, 2012, when she signed the consent agreements and paid the fines and costs, supposedly because of the pressure exerted by Young and Cangelosi. Before she signed these consent agreements, she admitted that she consulted with or at least had the opportunity to consult with her brother-in-law and attorney, Mr. Cao.

We recognize that there are general allegations in the complaint not specific to Hanh Hoang. In paragraphs 19-24, all of the plaintiffs allege that they were subject to disproportionate and heightened inspections of the LSBC and its inspectors; Hanh Hoang had actual knowledge of this alleged fact on May 1, 2012, via her own experience before May 1, 2012 (she even complained about the “numerous” inspections of her salon during the second year of its operation) and her conversation with Kristi of Lyon’s Den on May 1, 2012 (who supposedly told her that Lyon’s Den was being inspected less than Aloha Nails #2). In paragraphs 17-18 and 25-27, all of the plaintiffs complain, in effect, that the board hearings were

slanted and biased against Vietnamese and Asian-owned salons.¹⁰ Hanh Hoang had actual knowledge of this alleged fact before she agreed to the consent agreements on October 23, 2012; indeed, she believed that she would not receive a fair hearing from the board, and this was supposedly one of the reasons she entered into the Consent Agreements. In paragraphs 28-32, Hanh Hoang alleges false imprisonment by the board inspectors. Those allegations are not directed to Cangelosi, but regardless any alleged false imprisonment of Hanh Hoang could only have occurred during the inspections on May 1, 2012, and Hanh Hoang obviously had actual knowledge of any false imprisonment on such date.

On May 1, 2012; September 1, 2012, and October 23, 2012, Hanh Hoang had both actual and constructive knowledge of her injury and the alleged wrongful conduct by the defendants, and she could have filed suit. All of the dates are well more than one (1) year before Hanh Hoang filed suit on February 6, 2014. Her claims are untimely and prescribed.

Conclusion:

Because the summary judgment evidence is clear that the claims of Hanh Hoang have prescribed, the complaint of Hanh Hoang should be dismissed pursuant to FRCP Rule 56.

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¹⁰ Further, the board hearings (early fall of 2013; September 23, 2013; and December 5, 2013) mentioned in the complaint all occurred well after Hanh Hoang had sold her salon.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Memorandum in Support of FRCP Rule 56 Motion for Summary Judgment was this date electronically filed with the Clerk of Court using the Court's CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system and to all non-CM/ECF participating parties or counsel by this date depositing same in the United States Mail, first class postage prepaid and properly addressed.

Baton Rouge, Louisiana, this 13th day of November, 2015.

/s/Paul H. Spaht
PAUL H. SPAHT

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

THOA T. NGUYEN, ET AL.
Plaintiffs

CIVIL ACTION NO.: 3:14-cv-00080

JUDGE BRIAN A. JACKSON

VERSUS

LOUISIANA STATE BOARD OF
COSMETOLOGY, ET AL.
Defendants

MAGISTRATE JUDGE RICHARD L.
BOURGEOIS, JR.

CANGELOSI'S STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE DISPUTE TO BE TRIED

NOW INTO COURT, through undersigned counsel, comes Celia R. Cangelosi ("Cangelosi"), named defendant herein, who offers the following statement of material facts as to which there is no genuine dispute to be tried:

1. In 2010, Hanh Hoang bought and opened Aloha Nails #2. (Exhibit 1 – Hanh Hoang dep. at 13-14 and 207).
2. Hanh Hoang d/b/a Aloha Nails #2 alleges in her complaint that she “has been subjected to numerous inspections since the opening of her store which she believes were made predominantly, if not solely, because she is Vietnamese.” (R. Doc. 1 at para. 9)
3. An inspection of Aloha Nails # 2 by Margaret Keller, an LSBC inspector, occurred on May 1, 2012. (Exhibit 1 at 10; Exhibit 3 – Inspection Report, and Exhibit 4 – Notice of Violation Nos. 37838, 37840, 37841, and 37842).
4. During the inspection on May 1, 2012, Hanh Hoang claims that Keller did not introduce herself, treated her very badly before customers and one of her employees, made a commotion, treated her like a criminal, and was very aggressive. (Exhibit 1 at 118-22, 129-32, 136-41).

5. Hanh Hoang thinks that Keller was trying to bribe her. (Exhibit 1 at 131, 143).
6. Hanh Hoang claims that the inspection on May 1, 2012, was “really bad on my business.” (Exhibit 1 at 165). It caused Hanh Hoang stress and a lot of anxiety, and that’s why she sold her store. (Id. at 48, 53-54, 109, 166)
7. In her complaint, Hanh Hoang alleges that she has suffered substantial loss of profits since the inspection on May 1, 2012. (R. Doc. 1 at para. 9).
8. Hanh Hoang believes that Cangelosi was involved in the May 1, 2012 inspection because she did nothing to stop the constant inspections of her salon. (Exhibit 2 at p. 4, answer to interrogatory no. 6).
9. On May 1, 2012, Hanh Hoang believed that she was being targeted for inspection because of her race. (Exhibit 1 at 35-38; Exhibit 2 at p. 4, answer to Cangelosi interrogatory no. 5).
10. On the same day as the May 1, 2012 inspection, Hanh Hoang “go ask” Kristi, owner of Lyon’s Den about how often she was inspected and how she was treated during the inspections. (Exhibit 1 at 36-37). Kristi supposedly told Hanh Hoang that she was inspected “most of time, once a year,” and she was not given a hard time during those inspections. (Id. at 36-37).
11. When asked during her deposition for evidence that she was supposedly being targeted for inspection because of her race, as she alleges in her complaint, Hanh Hoang referred to her conversation with Kristi and the supposed lack of inspections of the Lyon’s Den Hair Salon. (Exhibit 1 at 35-38).
12. In her answers to Cangelosi interrogatory no. 5 (which asked Hanh Hoang to “[i]dentify and describe in detail any evidence which supports your contention that inspections of

your store ‘were made predominantly, if not solely, because she is Vietnamese,’ as you allege in paragraph 8 of your complaint (R. Doc. 1 at 9),” Hanh Hoang responded:

I know that non-Asian-owned salons down the street have inspections too but the inspectors do not treat them the way I was treated. Lyon’s Den Hair Studio does not get discriminatory inspections like my salon.

(Exhibit 2 at p. 4, answer to interrogatory no. 5).

13. Hanh Hoang sold her store and equipment on September 1, 2012. (Exhibit 1 at 217).
14. Stephen Young, Executive Director of the LSBC (“Young”), mailed Hanh Hoang a letter dated September 26, 2012, notifying her that the LSBC would hold an administrative hearing on December 3, 2012. (Exhibit 5 – Young letter 9/26/2012). The letter included a sentence, “We further advise you that these are serious charges and that you should consult an attorney.” Id.
15. Hanh Hoang talked to and sought advice from her brother-in-law, Mr. Cao, and Thomas Hoang of the Cao Law Firm regarding the letter dated September 26, 2012. (Exhibit 1 at 55-57).
16. Although the letter dated September 26, 2012, was signed by Mr. Young, Hanh Hoang believed that Mr. Young and Cangelosi sent the letter to her. (Exhibit 1 at 39, 44-45).
17. After obtaining advice from her brother-in-law and talking to others in the community, Hanh Hoang did not think she would get a fair hearing from the board. (Exhibit 1 at 76).
18. On October 12, 2012, Cangelosi mailed proposed consent agreements to Hanh Hoang for her “review and consideration.” (Exhibit 6 – Cangelosi letter dated 10/12/2012 with proposed consent agreements attached).

19. On October 23, 2012, Hanh Hoang signed the proposed consent agreements and paid the fine and costs stated therein. (Exhibit 1 at 92-93; Exhibits 7 and 8).
20. Hanh Hoang claims that she signed the proposed consent agreements because she was pressured by Cangelosi to do so. (Exhibit 1 at 45).
21. On November 5, 2012, the LSBC approved the consent agreements signed by Hanh Hoang. (Exhibits 6 and 7).
22. On February 6, 2014, Hanh Hoang and other plaintiffs filed the complaint in this suit. (R. Doc. 1).

/s/ Paul H. Spaht
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Attorneys for defendant, Celia R. Cangelosi

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Statement of Material Facts was this date electronically filed with the Clerk of Court using the Court's CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system and to all non-CM/ECF participating parties or counsel by this date depositing same in the United States Mail, first class postage prepaid and properly addressed.

Baton Rouge, Louisiana, this 13th day of November, 2015.

/s/Paul H. Spaht
PAUL H. SPAHT

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

THOA T. NGUYEN, ET AL.
Plaintiffs

CIVIL ACTION NO.: 3:14-cv-00080

JUDGE BRIAN A. JACKSON

VERSUS

MAGISTRATE JUDGE RICHARD L.
BOURGEOIS, JR.

LOUISIANA STATE BOARD OF
COSMETOLOGY, ET AL.
Defendants

ORDER

CONSIDERING the foregoing Motion for Summary Judgment:

IT IS ORDERED that the Motion for Summary Judgment filed by the defendant, Celia R. Cangelosi, be and is hereby GRANTED, and the claims of the plaintiff, Hanh Hoang d/b/a Aloha Nails # 2, against the defendant, Celia R. Cangelosi, be and are hereby dismissed with prejudice.

SIGNED this ____ day of _____, 2015.

BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

THOA T. NGUYEN, ET AL

VS.

NO. 3:14-CV-00080
JUDGE BRIAN JACKSON
MAG. JUDGE RICHARD BOURGEOIS

LOUISIANA STATE BOARD OF COSMETOLOGY, ET AL



DEPOSITION OF HANH HOANG
TAKEN ON WEDNESDAY, SEPTEMBER 16, 2015
AT THE OFFICES OF BATON ROUGE BAR ASSOCIATION
544 MAIN STREET, BATON ROUGE, LOUISIANA

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1 just luckily (sic) that I still have that paper
2 work.

3 Q. Well, let's go through the subpoena and
4 see what you have and don't have. Okay?

5 A. Yes, sir.

6 Q. All right. Item 2 on the list that's
7 been identified as Exhibit A asked for all
8 documents that pertain or relate to the inspection
9 on May 1st of 2012, except for the inspection
10 report and the notice of violations, which you've
11 produced.

12 A. Yes, that's all I have left.

13 Q. So the only documents that you have
14 that pertain or relate to the inspection on May 1st
15 of 2012 are the inspection report and the four
16 notices of violation that you're producing here
17 today and that you previously produced?

18 A. Yes, sir.

19 Q. Item Number 3 is all documents that
20 pertain or relate to any letters from the LSBC,
21 that is, Louisiana State Board of Cosmetology, that
22 concern or relate to the inspection on May 1st of
23 2012 and the notice of violations that were issued.
24 And you will recall that Mr. Young sent you some
25 letters that pertain to that inspection, and do you

1 shop, but I don't keep that document.

2 Q. When she comes and inspects the shop,
3 she gives -- she completes an inspection report and
4 she gives you a copy of the report?

5 A. She did, yeah, but I didn't have it in
6 my files now. I only have that one time. That's
7 the last time -- before I sold my business, that's
8 the only paper that I have left.

9 Q. So what did you do with the prior
10 inspection reports that she gave you?

11 A. I put it in my file but then after I
12 sold the business, I just -- I just cleaned it out.
13 I didn't think I needed to keep that.

14 Q. So you threw that away?

15 A. Yes, sir.

16 Q. Item Number 5 is all documents that
17 pertain or relate to the opening of Aloha Nails #2.
18 This request includes documents sufficient to show
19 when you opened Aloha Nails #2 and from whom you
20 acquired Aloha Nails #2. Do you have any of those
21 documents?

22 A. No, sir.

23 Q. When did you open Aloha Nails #2?

24 A. I believe 2010 or -- right now I don't
25 know for sure. So I believe in 2010.

1 Q. Well, if we look at your 2010 tax
2 report, there is a Schedule C, which identifies
3 Aloha Nails #2 and shows receipts during that year,
4 for this business, of \$108,000. So am I fair -- is
5 it fair to believe that Aloha Nails #2 was opened
6 in 2010?

7 A. Yes, sir. They opened --

8 Q. Or maybe before 2010?

9 A. I don't know for sure. Right now I
10 don't know for sure because it's been awhile. Like
11 to now, 2015, and when I opened it, I just forgot
12 exactly what date.

13 Q. Was there an Aloha Nails #1?

14 A. What it was, like my nephew, he owned
15 Aloha #1. And when he built Aloha Nails #2, he
16 can't continue to stay there anymore so he sell it
17 to me.

18 Q. Did you have any relationship with
19 Aloha Nails #1?

20 A. Yes. That's my nephew.

21 Q. Did you work there?

22 A. No, sir.

23 Q. Did you have any ownership interest in
24 Aloha Nails #1?

25 A. No, sir.

1 Q. Where was Aloha Nails #1 located?

2 A. I believe it's on Perkins, Perkins
3 Road, between Bluebonnet and Siegen Lane.

4 Q. What is your nephew's name?

5 A. T-u-a-n. Actually, my husband's nephew
6 but I consider him as my nephew as well because I'm
7 married. So I don't know his exactly last name.

8 Q. And you acquired Aloha Nails #2 from
9 Tuan?

10 A. Yes, sir.

11 Q. If I mispronounce, I apologize.

12 A. I understand.

13 Q. How much did you pay for it?

14 A. I forgot that paper, how much we paid
15 exactly, but I believe between maybe 30 -- 30,000
16 or to 55 (sic), in between that number. I don't
17 know exactly for right now.

18 Q. I'm sorry. Approximately \$30,000?

19 A. 30 to 55, around that number. Like I
20 say, it's been awhile. I don't want to tell you
21 exactly if I don't know for sure.

22 Q. In between 30,000 and \$55,000?

23 A. Yes, sir.

24 Q. Was it open before you bought it?

25 A. No, sir. It was a brand-new shop.

1 Q. So what did you buy from your nephew?

2 A. What do you mean, what did I buy from
3 my nephew?

4 Q. Well, you paid him 30,000 to \$50,000
5 and I want to know what you bought?

6 A. Oh, I bought -- basically he have all
7 the spa chairs and he have all the tables and he
8 have the register and the dryer machines and some
9 of the supplies that -- and the furniture, and some
10 of the supplies that he have in the store at that
11 time.

12 Q. Was Aloha Nails #1 a manicuring salon?

13 A. Yes, sir.

14 Q. And Aloha Nails #1, only manicuring
15 could be performed?

16 A. I don't know because I'm not work
17 there, but I know it's a nail salon.

18 Q. And Aloha Nails #2 was a nail salon?

19 A. Yes.

20 Q. And only nails could be done there?

21 A. Well, I have -- if I have an employee
22 and she have a license to do hair, that means she
23 can perform wax because that's legally, you know,
24 on the license, that they can do wax on the
25 customer. They can perform wax on the customer if

1 Q. And then how do you get paid that \$10?

2 A. What do you mean, how I get paid that
3 \$10? I receive the money. I give them a receipt,
4 and I have my own receipt. But I throwed (sic)
5 that away when I sold the store. That's how I keep
6 my receipt record, and then they showed it in my
7 bank statement and I just compare that they in my
8 account and then I just throw that receipt away.

9 Q. Well, if I use a Visa card, at the end
10 of the month, does Visa send you a check for the
11 total number of people who have used a Visa card
12 during that month, or what?

13 A. I don't remember. It's been awhile. I
14 don't remember.

15 Q. All right. Item 12 is documents
16 showing the names, addresses and telephone numbers
17 of all customers who you claim failed to return to
18 Aloha Nails #2 as a result of the inspection on
19 May 1st of 2012.

20 A. I don't have it.

21 Q. You've thrown all of that away?

22 A. Yes.

23 Q. Item Number 13 is any document which
24 supports your contention that you were supposedly
25 targeted for inspection because of your race, as

1 you allege in your complaint. Do you have any
2 documents that support that contention?

3 A. I don't have a document, but I know
4 that one of my -- in the shopping center, there's
5 one space between me and that hair salon. It's
6 Lyons Den Hair Salon, that they opened at that
7 time. I did ask them -- after the inspection, I
8 asked them how often the inspection (sic) comes in
9 their store. And she say, Regularly, most of the
10 time, once a year. She said, Every now and then,
11 maybe twice but most of the time, it's once a year.

12 Q. And who told you that?

13 A. The owner of the store, because we're
14 in the same building.

15 Q. But what is her name?

16 A. I think her first name is Kristi, and
17 her husband's name is Hoyt, Hoyt. Kristi --

18 MR. HOANG:

19 Spell it.

20 BY MR. SPAHT:

21 Q. Kristi is her first name?

22 A. Yes. And her husband's name is Hoyt.

23 MR. HOANG:

24 Spell it.

25 THE WITNESS:

1 I think H-o-y -- something
2 after that. I don't know exactly.

3 BY MR. SPAHT:

4 Q. Did Kristi tell you anything more than
5 what you've just said?

6 A. She said that -- I told her that when
7 she comes, how does she come -- how does she do
8 when she comes inspection? She said she just go
9 look around her store and then she goes to the
10 place where she puts the licenses, she writes down
11 and then they sign the paper and then they just
12 left. I said, Does she give you any hard times?
13 She said, No.

14 Q. Anything else?

15 A. That's all, sir.

16 Q. And when did you have this conversation
17 with Kristi?

18 A. After I get that violation, that she
19 come in my store, to start all of that commotion in
20 my store, that it gave me suspicion. So that's why
21 I go ask her, because she's in the same shopping
22 center, you know, and we kind of like talk to each
23 other as a business owner.

24 Q. So this would be shortly after May 1,
25 2012?

1 A. Yes, sir.

2 Q. The same day or the --

3 A. Yes, the same day. Because after that,
4 I was -- have this suspicion that she treat me
5 differently. So that's why I go ask her.

6 THE WITNESS:

7 Can I have a rest-room
8 break?

9 MR. SPAHT:

10 Yes.

11 (Whereupon, a short recess was taken.)

12 BY MR. SPAHT:

13 Q. Item 14 asked for any documents which
14 support your contention that Cangelosi was involved
15 in any way with the inspection of Aloha Nails #2 on
16 May 1st of 2012. Do you have any such documents?

17 A. The only document I have is the
18 letters; she sent it to me, after they fine me, all
19 the paper, and then I received a letter from her.

20 Q. Okay. You're talking about -- well,
21 you haven't produced the letter but you're talking
22 about --

23 A. I think my lawyer did.

24 MR. SPAHT:

25 Let me see what you have.

1 MR. HOANG:

2 I want to see what exhibit
3 I have attached. I believe it's Exhibit #2 from my
4 previously-submitted responses.

5 BY MR. SPAHT:

6 Q. Your attorney is showing me a letter
7 dated September 26, 2012 from Stephen Young to you
8 on Coursey Boulevard --

9 A. Yes, sir.

10 Q. -- with a notice to show cause, also
11 dated September 26th attached and an administrative
12 complaint attached. And this is what you were
13 referring to as the letter?

14 A. Yeah, this is the letter. They sent it
15 to me -- what do they call?

16 A. (Through interpreter) Certified mail
17 with return signature.

18 MR. HOANG:

19 And also Exhibit #3 with
20 another letter.

21 MR. SPAHT:

22 Another letter from Steve
23 Young?

24 MR. HOANG:

25 Yes, it's a notice to show

1 because --

2 MR. HILBURN:

3 Do you agree with that,
4 that we're --

5 MR. SPAHT:

6 Let's do this. Let's just
7 attach the previously produced Exhibit #2 and the
8 previously produced Exhibit #3 and I'll mark that
9 as -- I'll mark the previously produced Exhibit #2
10 as Exhibit #2 to the deposition and previously
11 produced Exhibit #3 as #3 to the deposition.

12 MR. HOANG:

13 Yes.

14 (Whereupon, the documents were marked for
15 identification as Hanh Hoang Exhibits #2 and #3 and
16 attached hereto.)

17 BY MR. SPAHT:

18 Q. Before we leave Item 14, I want the
19 record to be clear that you have not produced any
20 letters from Cangelosi?

21 A. She did. She sent me the letter, which
22 is the certified mail.

23 Q. Did she send you the letter, or did
24 Steve Young send you the letter?

25 A. Steve Young. They send me the letter.

1 Q. Steve Young sent you the letter?

2 A. Yes.

3 Q. You realize there's a difference
4 between Steve Young and Celia Cangelosi?

5 A. Can I talk to him?

6 Q. No.

7 A. (Through interpreter) So I just want to
8 say that Mr. Steve Young, he himself, has provided
9 me a letter and also Ms. Cangelosi, that woman
10 Cangelosi, also provided me one with a letter too.

11 Q. Where is the letter --

12 A. I don't know, one or two, because it
13 was a few months after that. Because it gave me
14 anxiety, that I don't really want to look at the
15 letter because I know what they mean in there, but
16 I know that she called me. She did call me, and
17 Mr. Young send me the letter and also her law firm
18 send me a letter.

19 Q. And is the letter that Ms. Cangelosi
20 sent you, did that provide you with the consent
21 agreement that you later signed?

22 A. Yes, sir. She did give me that letter,
23 because I agreed to pay because of what she put me
24 through and I just wanted to agree to that. So my
25 new owner, that they did permit her because of that

1 appeal it. She wanted me to sign the paper for me
2 -- for her to be able to leave my store. The
3 reason I do that is because I just don't want her
4 to be there because she do -- she do all of that
5 commotion in my store. It gave me anxiety and I
6 want to move on with my day, to go back to work and
7 so that's why I agreed to sign it.

8 Q. Well, I just want to be sure who told
9 you you could appeal. And what you're telling me
10 is that at the end of the inspection, Ms. Keller
11 wanted you to sign the inspection report and the
12 notice of violations and she said at that time that
13 you could appeal?

14 A. Yes. At first I don't want to sign it.
15 Because I said whatever you do, I want to explain
16 it to you, but she didn't want to hear my side. So
17 she said, You just sign the document and you can
18 appeal and -- and -- and tell your side of the
19 story, if you not agree to it.

20 Q. And was that the last communication
21 that you had with Ms. Keller?

22 A. Yes, sir.

23 Q. Ever?

24 A. Yes, sir, that day.

25 Q. And when was your first communication

1 with Ms. Cangelosi?

2 A. I don't know exactly the time, but I
3 know after I have the fine, then I receive the
4 letter from her and I called them and that's why I
5 know that she is the lawyer.

6 Q. You called Ms. Cangelosi at her office?

7 A. Yes, sir.

8 Q. Because there's a letter that gives you
9 a telephone number for Ms. Cangelosi?

10 A. I think so, yes.

11 Q. And in response to that letter, you
12 called Ms. Cangelosi and you discussed with her the
13 amount of the fine?

14 A. She did tell me how much is the fine
15 and what kind of fine I have and I want to -- I
16 tell her, I said, Everything they write is not
17 true. I want to tell her my side, but she sound
18 very -- she sound like she's disrespectful and have
19 attitude. So I didn't want to go further, and I
20 told her I want to appeal, because whatever they
21 have on that letter is not true.

22 Q. And she then sent you a proposed
23 consent agreement?

24 A. I think so. I think so, but I don't
25 know that I keep it but I think that she did send

1 documents related to that allegation?

2 A. Yeah. I don't have it.

3 Q. But what you're referring to there is
4 Lyons Den and Lyons Hair Salon?

5 A. Yes.

6 Q. I'm sorry. What was his name? Was
7 it --

8 A. Lyons Den is the hair salon.

9 Q. And you've described that previously
10 here at the deposition?

11 A. Yes, that they have -- she didn't give
12 them a hard time at their hair salon, but I did
13 tell her what she did to me, you know. And I did
14 have some of the customers, they also work at the
15 hair salon and they said that they never have that
16 kind of problem in their store.

17 Q. Somebody other than Kristi told you
18 that?

19 A. It's a customer, you know. You know
20 how you have different customers?

21 Q. What is the name of the customer?

22 A. I forgot their name. You know, I have
23 customers come in every day. And, of course, I
24 share that information because I want to -- because
25 I feel it's not fair, the way she treated me and I

1 just go through a lot of stress. So I want to
2 share the information with my customers, who are
3 doing hair in the same type of business that I'm
4 in. So I want to share that, to see what the
5 difference.

6 Q. This was a customer who had been at
7 Lyons Den?

8 A. They're in different hair salon, not
9 the same. I talked to Kristi, she's the owner, but
10 I also share the information with my customers, who
11 are doing hair but they work in a different hair
12 salon, not the same hair salon.

13 Q. What hair salon are they working at?

14 A. Random, like they just tell me. I
15 don't know exactly where they at, but I know that
16 she's doing hair because she's my customer.

17 Q. Okay. You don't know the name of the
18 customer? You don't know --

19 A. I forgot, because it's been awhile.

20 Q. You forgot the name of the customer and
21 you forgot where the customer worked?

22 A. Yeah. Sometimes they say and it's just
23 not important for me to remember because I'm not
24 going there, you know, that's why.

25 Q. All right. Item 17 asked you for any

1 documents which pertains or relates to any damages
2 that you contend you have suffered --

3 A. Right. Because --

4 Q. Wait. Let me finish. Do you have any
5 documents that show the damages that you claim you
6 have suffered?

7 A. I don't have it with me but after the
8 incident, my employees, they -- you know, because
9 when she come in, there's a lot of Vietnamese
10 ladies in there and she see what happen and I guess
11 she just spread the word out. And I can't find the
12 people to work for me and I just go through the
13 stress and I'm the only worker there. So I just --
14 it forced me to sell my business because of that
15 too. It's just I have a lot of anxiety. I have to
16 get up every morning and worry. As a mother, I
17 have three kids. I just can't put myself through
18 that no more. So that's why I have to sell my
19 business.

20 Q. Well, after the inspection, were you
21 worried about the next inspection?

22 A. Yes, I do worry about because I don't
23 know what they're going to do next. I don't know
24 that I can appeal and then the Court will hear my
25 side and try to find a voice and to find justice

1 for me. That's why I have to sell my business,
2 because I worry a lot.

3 Q. Well, what documents do you have to
4 support your claim of damages? Do you have any
5 documents to support your claim for damages?

6 A. I don't have any because I just sell my
7 store.

8 Q. What did you sell your store for?

9 A. I believe it's 30 or -- 30, 35 or 45,
10 something like that.

11 Q. And do you have documents that show
12 what you sold the store for?

13 A. No, sir, I don't have it.

14 Q. You threw all of that away?

15 A. Yes.

16 Q. Item 18 is documents which support your
17 contention that you had to sell your salon business
18 to escape from the LSBC inspector's harassment and
19 discrimination. Do you have any such documents?

20 A. The only document they send me is a
21 letter that they say if I don't pay for the fine,
22 then they will revoke my license. I feel
23 threatened and I feel -- I worry because that's --
24 I was the only person bringing in the income at
25 that time for my family. So I was worried that my

1 license would get revoked.

2 Q. You said you got a letter that said
3 that you pay the fine or they'll revoke your
4 license. Are you referring to this letter from
5 Mr. Young, dated September 26, 2012, which we
6 previously marked as Exhibit #3?

7 A. (Witness reviews document.) Well, they
8 said during that time my license will not get
9 revoked until the date that they're supposed to --
10 I go to court.

11 Q. Is this the letter you're referring to?

12 A. I think so, yeah.

13 Q. Well, if I'm understanding your
14 testimony, this is the only letter that you recall
15 receiving from Mr. Young or anybody?

16 MR. HOANG:

17 Objection. Misstatement of
18 the testimony.

19 BY MR. SPAHT:

20 Q. Let me see the letter. Did you read
21 this letter?

22 A. I did.

23 Q. The letter includes a sentence that,
24 "We further advise that there are serious charges
25 and that you should consult an attorney." Did you

1 do that?

2 A. I did. I talked to the attorney, which
3 is in his office (indicating).

4 Q. And you're pointing to Thomas Hoang?

5 A. Yeah.

6 Q. And who did you talk to in their
7 office?

8 A. I talked to -- actually, first, I
9 talked to my brother-in-law, which he's the
10 attorney in the same office and get the advice, to
11 see what I can do. And I get the advice that I can
12 appeal, but I have to acknowledge that the lawyer
13 is working for the State board. So it's hard for
14 me to find my rights because she's working for
15 State board. And I heard it from -- in the
16 community. They said that even though you make an
17 appeal, it's not going to work because the lawyer
18 works for the State board.

19 Q. Your brother-in-law works at the Cao
20 Law Firm?

21 A. Yes, he is --

22 Q. What is his name?

23 A. Joseph Cao.

24 Q. Joseph Cao?

25 A. Yes. Because at that time I only know

1 one person to get the advice from.

2 Q. That's Mr. Cao?

3 A. Yeah.

4 Q. And Mr. Cao is married to whom?

5 MR. HOANG:

6 Objection. Irrelevance.

7 You don't have to answer that. Move on.

8 BY MR. SPAHT:

9 Q. Married to your sister? Is Mr. Cao
10 married to your sister?

11 MR. HOANG:

12 Objection. Irrelevance.

13 It has nothing to do with the case.

14 A. I just get advice, and I don't think
15 it's relevant --

16 MR. SPAHT:

17 I think it has a lot to do
18 with the case.

19 MR. HOANG:

20 What does it have to do
21 with the case, Paul?

22 A. (Continuing) -- to the case, because I
23 get advice. Because, like you say, seek for a
24 lawyer and I have to get advice from somebody and
25 that's why I called him.

1 BY MR. SPAHT:

2 Q. So you showed Mr. Cao this letter dated
3 September 26, 2012?

4 A. I just get advice. I want to get
5 advice of who should I go and what can I do.
6 That's all.

7 MR. HILBURN:

8 I'll object as
9 unresponsive. The question, I think, was, Did you
10 show this letter to Mr. Cao?

11 THE WITNESS:

12 I don't remember.

13 BY MR. SPAHT:

14 Q. Did you show Mr. Cao the proposed
15 consent agreement?

16 A. I don't remember. I just know that I
17 called for advice.

18 Q. And you received that advice, and then
19 you signed the consent agreement because you felt
20 like otherwise the person to whom you were selling
21 the store might have difficulty getting a license?

22 A. Yeah. They will not permit her unless
23 I pay for the fine. They made it clearly to her,
24 that she cannot operate her business unless I pay
25 for the fine. That's one of the reasons --

1 Q. Okay. And what documents do you have
2 that show that somebody told somebody that unless
3 you paid the fine, the buyer of your business could
4 not operate the store?

5 A. Because the buyer called me. She said
6 that she tried to apply for the permit at the State
7 board, and they tell her that since I have the fine
8 under Aloha Nails and if she's using Aloha Nails as
9 her business name, that means she cannot get permit
10 until I pay for the fine. So they put the pressure
11 on me to do that, that I have to do it, because I
12 feel like it's my business. It's my problem. Why
13 do they relate it to her? And it's not fair for
14 her as a single mom. That's her life savings, you
15 know.

16 Q. Well, when you had -- when you had this
17 conversation, there was no fine that was issued to
18 you, was there?

19 A. They do. They want me to agree to pay
20 certain amount, that I need to sign and send the
21 check or whatever to pay for that amount, and then
22 they will permit her, which is -- is working.
23 Because after I paid, they permit her.

24 Q. Well, but was -- let me be sure we
25 understand one another. There was no fine that was

1 issued to you as a result of the inspection; isn't
2 that correct?

3 MR. HOANG:

4 Objection. Vague.

5 Objection. Vagueness.

6 A. They do fine me.

7 BY MR. SPAHT:

8 Q. Where is the fine that was issued to
9 you?

10 A. I don't have it with me, but I know
11 that they want me to pay for the money. When I
12 called her the first time --

13 Q. Right. As part of the consent
14 agreement, you agreed to pay a fine, correct?

15 A. I agreed because they put me under
16 pressure, you know. They will not permit the new
17 owner. And then I go through the stress that I'm
18 afraid that I lost my license, I can perform
19 cosmetology in the future, because that's the way I
20 take care of my family. You know, that's the -- at
21 that time, I'm the only income to bring in the
22 household.

23 Q. Did you understand that there was a
24 hearing that was set in December concerning the
25 violations resulting from the May 1, 2012

1 inspection?

2 A. I do have that letter. They said that
3 I can go to hearing, but I get the people from the
4 community, they all also Vietnamese, they say, Even
5 though you go to appeal, they still not work in
6 your favor because the lawyer work for the State
7 board and they will fine you anyway. And it's
8 happened. You can go through the records. That
9 they do it to many, many Vietnamese people, that
10 they have the fine and they just pay for it because
11 they didn't get no rights from the State board.

12 Q. Who told you that?

13 A. From the community. You know, we can
14 go to church, we go to the store, and I just heard
15 it from them. And since it's my first time happen
16 and that's why I was -- you know, it just makes
17 sense for me because she works for the State.

18 Q. Can you give me a name of somebody who
19 told you that?

20 A. I don't remember the name.

21 Q. Item 19 asked you for the act of sale
22 and related documents of Aloha Nails #2 by you.
23 And I believe, from your prior testimony, that you
24 don't have any such documents?

25 A. I don't have it, sir.

1 A. Since I have the incident at my store
2 and I have the fine, then I pay for attention, you
3 know. I ask the people around, because since it
4 become my problem, then that's when I start, you
5 know, asking the people around and that's how I
6 noticed. A lot of people tell me, you know, it's
7 the same thing to them.

8 Q. Do you think the increase occurred in
9 2012?

10 A. I think so, yes.

11 Q. Item 25 asked you for any documents
12 which support your allegation that a secretary or a
13 clerk of Cangelosi was only asked to target
14 Vietnamese and Asian-owned salon owners?

15 A. I don't have the document but I asked
16 most of my American friends. Just like I said, the
17 owner close to my salon and my customer, that they
18 say that they don't have what's going on in the
19 salon like mine or like relate to the people that I
20 talk to in our community.

21 Q. Did a secretary or a clerk of Cangelosi
22 ever come into your salon?

23 A. No.

24 MR. HOANG:

25 Objection. Lack of

1 foundation.

2 BY MR. SPAHT:

3 Q. Do you know any salon that a secretary
4 or a clerk of Cangelosi ever went into?

5 A. I don't -- I don't know. I know that
6 Ms. Keller come in my store and inspection.

7 Q. Okay. Item 26 asked for any documents
8 which pertain or relate to your allegation that
9 Cangelosi allegedly colluded with Ms. Sherrie
10 Stockstill, Margaret Keller or other close-by
11 inspectors near the Baton Rouge District?

12 THE INTERPRETER:

13 What is "colluded"? That's
14 what she asked, what is "colluded"?

15 MR. HOANG:

16 Can I request that she
17 translate in Vietnamese?

18 (The interpreter translated the question.)

19 A. I don't have the documents, but I know
20 that Ms. Keller worked for the State board and
21 Ms. -- and they have their own lawyer, which is --
22 there's only five people. And most of our
23 Vietnamese people just pay for it without having
24 the right hearing or have the right people to help
25 us out. So I'm pretty sure that they're all

1 related because they work together.

2 BY MR. SPAHT:

3 Q. Okay. So you think that Cangelosi
4 colluded with the inspectors because they both work
5 for the State board?

6 A. Of course. That's what I think,
7 because she work for the State board and Ms. Keller
8 is an employee for State board. That's just --
9 that's just a picture right there.

10 Q. Okay. Item 27 asked for any documents
11 that relate to your allegation that Ms. Cangelosi
12 specifically targeted Vietnamese salon owners?

13 A. Yes. Because I think it's just easy
14 because, you know, they just fine us and then we
15 just pay for it and we don't have the right appeal.
16 We don't have a voice. We don't have the people to
17 help us out, to find a voice. That's why it's just
18 easy to make the money from us and because of the
19 language, obviously, and I think they just target
20 most of the Asians, because I ask the people around
21 and they all have -- most of them have the same
22 problem.

23 Q. And you say that in spite of the fact
24 that, in your case, they scheduled a hearing, where
25 you could go and present evidence to the Board that

1 you had not violated the law, correct?

2 A. I acknowledge -- I acknowledge that
3 information, but since I hear from the people in
4 our community that she worked for the State board
5 and she go favor the State board and most of the
6 people in the hearing work for State board. So it
7 happened to them. They paid their fine. They find
8 a way -- they fight for the appeal, but it's not
9 working. So that's why I feel like it's going to
10 be the same thing to me.

11 Q. So you feel like you would not get a
12 fair hearing?

13 A. Yes, sir.

14 Q. And that's one of the reasons why you
15 went ahead and signed the consent agreement and
16 paid the fine?

17 A. One of the reasons, yes. And they did
18 not permit for the new owner, and then I was going
19 through the stress that I lost my permit -- my
20 license, you know, they revoked my license. So
21 that's why I agreed to pay for it.

22 Q. Well, the Board never revoked your
23 license, did it?

24 A. But they will if I not pay for the
25 fine.

1 Q. Well, they didn't tell you --

2 A. They put the pressure.

3 Q. They didn't tell you that, did they?

4 A. Well, they did -- one of the letters,
5 they sent it to me, they said if I am not pay for
6 the fine, then I will get my license -- terminate
7 my license and I cannot use that license in the
8 future.

9 Q. And the letter you're talking about is
10 the letter that we've looked at here today from
11 Mr. Young, which you identified?

12 A. I don't know if it's in there, but I
13 know that one of the letters, they send it to me,
14 that I did read it and I didn't know I keep it as a
15 record, but I know that they sent it to me and they
16 did mention about it. And when I called the
17 lawyer, she did tell me that too.

18 Q. Did you understand that, at the time
19 that you signed the consent agreement, that your
20 license had not been revoked?

21 A. Yeah, I know at that time not, but it
22 will be if I'm not paid for my fine.

23 Q. Well, it would not be revoked until
24 after you had a hearing, correct?

25 A. Yes.

1 Q. You understood that?

2 A. Yes.

3 Q. And at the hearing, the Board may or
4 may not issue a fine to you. You understood that?

5 A. Huh-uh. I don't know. Pretty much you
6 can go through the record. If there are ten people
7 fined, there's ten people pay for the fine. Just
8 go through the records and you go see it. You go
9 find you the evidence.

10 Q. Can you identify anybody who was
11 supposedly improperly fined by the board?

12 A. You go through the record. Like I say,
13 I don't have the specific person's name and
14 specific nail salon but if you go through Ms. --
15 what's her name -- Cangelosi, just go through her
16 records, you will see a ton, a lot, and I didn't
17 mention -- like I don't know the other races, but I
18 know a lot of Vietnamese people that I talked to,
19 they all get fined and they all get paid. You just
20 go through the records and you go see. I just hope
21 that she provides you all the records that she has
22 in the years that she's been -- she's been fining
23 the Vietnamese people.

24 Q. Okay. Item 28 asked for any documents
25 which pertain to any communications between you and

1 Cangelosi?

2 A. She called me. I did call her.

3 Q. Well, first off, do you have any
4 documents --

5 A. She send me the letter.

6 Q. -- responsive to this request?

7 A. She send me the letter. I don't know.
8 I gave it to my lawyer, but I know that she send me
9 the paper that said this is how much I have to pay
10 for all my fines. And if I'm not paid for it, they
11 will deter my license -- terminate my license, and
12 I can't practice as a nail tech in the future. So
13 I go through a lot of stress.

14 Q. Are you referring to the letter where
15 Ms. Cangelosi sent you the proposed consent
16 agreement?

17 A. Yes. She said that I need to agree to
18 pay for the fine. If it's not, then my license
19 will be terminated.

20 Q. And is the -- did she send you anything
21 else?

22 A. I don't remember, but I know that she
23 send me those letters, that I need to pay for the
24 fine. If it's not, then I can't practice nail tech
25 in the future and I know that my -- my buyer, who

1 will buy my store, cannot operate her business
2 because of that too.

3 MR. HOANG:

4 I guess we can finish up
5 the rest of this and then have lunch. Is that what
6 we propose?

7 THE WITNESS:

8 Can I take a break? It's
9 been a long time. I'm pretty sure everybody needs
10 to eat.

11 MR. SPAHT:

12 Okay. You want to take a
13 break? We can take a break.

14 (Discussion off the record.)

15 MR. HOANG:

16 Let's put on the record.
17 This is all about documents and invoices and
18 anything that's in person, okay, the tangibles. So
19 if you don't have it, just try to answer directly
20 that, I do not have the documents, and don't try to
21 delve into an explanation. Okay?

22 THE WITNESS:

23 Okay.

24 MR. HILBURN:

25 Does she need to take a

1 MR. HOANG:

2 And this is the unsigned?

3 MR. SPAHT:

4 Yes. This is the letter

5 from Ms. Cangelosi, sending her the unsigned

6 consent agreements.

7 (Whereupon, the documents were marked for
8 identification as Hanh Hoang Exhibits #5 and #6 and
9 attached hereto.)

10 THE WITNESS:

11 Okay. You can go ahead
12 with your questions.

13 BY MR. SPAHT:

14 Q. Is this the letter from Ms. Cangelosi
15 sending --

16 A. I don't remember. I don't remember but
17 there's --

18 MR. HOANG:

19 Let him ask the question.

20 BY MR. SPAHT:

21 Q. You don't remember if that's the letter
22 from Ms. Cangelosi?

23 A. I remember she sent some, in here, that
24 I remember, but I don't remember everything.

25 Q. My question to you is, is this the

1 letter from Ms. Cangelosi sending you the unsigned
2 consent agreements?

3 A. I don't remember. I don't remember.

4 MR. SPAHT:

5 I'm going to ask that that
6 letter and the unsigned consent agreements be
7 attached to the deposition as Hanh Hoang #4.

8 (Whereupon, the document was marked for
9 identification as Hanh Hoang Exhibit #4 and
10 attached hereto.)

11 BY MR. SPAHT:

12 Q. And I'm going to show you the signed
13 consent agreements, which I've marked as --

14 MR. HOANG:

15 Can I see that, #4? Are
16 you going to use that again?

17 BY MR. SPAHT:

18 Q. -- as Hanh Hoang #5 and Hanh Hoang #6,
19 and ask you if you can identify your signature on
20 these two consent agreements?

21 MR. HOANG:

22 How many pages is that?

23 THE WITNESS:

24 Six pages.

25 A. (Witness reviews documents.) Yes, this

1 is my signature but she could have slipped
2 something in here, that she didn't send me
3 everything, but it is my signature.

4 BY MR. SPAHT:

5 Q. Well, do you recognize those documents
6 as the consent agreement, which you -- consent
7 agreements which you signed on October 23rd of
8 2012?

9 A. Well, some of them is in here, that I
10 remember, but the reason that I signed the
11 consignment, to agree to pay for it, is because
12 they did not permit the new owner of my nail salon.
13 That's why -- one of the reasons that I agreed to
14 sign the consent.

15 Q. But my only question to you is, are
16 those the two consent agreements that you signed?

17 A. It is my signature, but they could have
18 slipped something that I don't know. Because it's
19 been a while. I don't remember everything, but it
20 is my signature.

21 MR. SPAHT:

22 Can I have those back?

23 (Whereupon, a short recess was taken.)

24 BY MR. SPAHT:

25 Q. Let me get some background information

1 MR. HOANG:

2 What are you trying to do
3 with these lines of questioning, Paul? I have no
4 idea what you're trying to get out. You're talking
5 about her kids, talking about her husband. What
6 does that have to do with the case? Tell me.

7 MR. SPAHT:

8 Is she claiming that she
9 had to sell the store because of the inspection
10 that occurred on May 1, 2012?

11 MR. HOANG:

12 Yes. What does that have
13 to do with the kids and her husband?

14 MR. SPAHT:

15 It has to do with me
16 challenging whether or not the reason for her
17 selling the store was because of the inspection on
18 May 1, 2012.

19 MR. HOANG:

20 Okay. Lay the foundation,
21 please, with that.

22 BY MR. SPAHT:

23 Q. What did you do with the monies that
24 you obtained from the sale of Aloha Nails #2?

25 A. That's my money. I sell -- I just

1 me on that day.

2 Q. Was the inspection on Monday?

3 A. No. I think the inspection was maybe
4 in the middle week. That's the day that she not
5 there. My employee, she's not there.

6 Q. Okay. So what I'm hearing you say is
7 that she had worked for you a few weeks before the
8 inspection?

9 A. Before that, yeah.

10 Q. And she quit either on the day of the
11 inspection or --

12 A. On the day of inspection. On the day
13 of inspection, she didn't show up to work.

14 Q. She did not work on the day of the
15 inspection?

16 A. Yes. She didn't show up to work. She
17 quit on that day and that's why she -- I didn't
18 know the allegation that she called the State
19 board, to say that I hold her license without her
20 will, which is not true. That's why the
21 inspection, she's there and she's very aggressive
22 with me. She treat me badly in the front of my
23 customers and one of my employees. She's a
24 cleaning lady. She's just a cleaning lady. That's
25 why I don't consider her as a nail tech, you see?

1 Because on the nail tech, that's one of the
2 employees that she -- that's the only nail tech
3 that I have, is Thuy.

4 Q. Well, you're confusing me. Help me
5 out. Let's first talk about Thuy Pham. Am I
6 saying her name right?

7 A. Thuy, T-h-u-y.

8 Q. Thuy Pham, she did not show up on
9 May 1, 2012?

10 A. Yes.

11 Q. And she quit on that day?

12 A. Yes.

13 Q. Did she come to the salon on that day?

14 A. No, sir.

15 Q. You said that she made a scene before a
16 customer and the cleaning lady. When did that
17 occur?

18 A. On that morning, the inspection.

19 MR. HOANG:

20 Objection. Misstatement of
21 the witness' testimony.

22 BY MR. SPAHT:

23 Q. She made the scene on that morning
24 before the inspector arrived?

25 A. No, no. I'm talking about the

1 inspection (sic) make a scene, not the employee.

2 Q. Okay. Well, I misunderstood. I
3 thought you were saying that she treated you badly
4 and you were talking about --

5 A. No, no.

6 Q. -- Thuy Pham?

7 A. No. Ms. Keller.

8 Q. But you're saying the inspector,
9 Ms. Keller, treated you badly?

10 A. Yes.

11 Q. Okay. So have you spoken to Ms. Pham
12 since May 1, 2012?

13 A. (Witness shakes head negatively.)

14 Q. No? You need to say "yes" or "no".

15 A. No, sir.

16 Q. Okay. And did you -- did she give you
17 a reason for quitting?

18 A. There's a lot that relates to it,
19 because she asked me to do her something that's not
20 right and I didn't want to help her. So that's why
21 she -- that's the reason that she quit on me, and
22 she tried to hurt my business by going to State
23 board and make a false accusation about my store
24 and that's why the whole thing started.

25 Q. Do you think that's why the inspector

1 came to your business on May 1, 2012?

2 A. Yes, because she just recently came
3 into the store and inspect me, yeah, on that
4 particular month or a few weeks before. I don't
5 know exactly. But when I see her, I was very
6 surprised that she came again -- she came back.

7 Q. And did you hire a manicurist after
8 Thuy Pham?

9 A. I wanted to but since that incident,
10 that make people -- you know, they're scared to
11 work there because, you know, Ms. Keller make a
12 scene in my store and one of the friends, that she
13 was there to see. And you know how Asians, we're
14 like a small community and people can spread the
15 word out. So it's so hard for me to find employee
16 after that.

17 Q. Did you make an offer to any manicurist
18 after May 1, 2012 to come to work at Aloha Nails
19 #2?

20 A. I don't remember, but I remember that
21 after Thuy quit, that I so hard -- I just had a
22 hard time to find employees to help me out.

23 Q. Did you know that Thuy Pham had quit at
24 the time the inspector walked into Aloha Nails #2
25 on May 1st?

1 A. I didn't know until that Ms. Keller
2 bring that up.

3 Q. So that's one of the things that you
4 talked to Ms. Keller about when she made the
5 inspection on May 1st?

6 A. Yeah. But when Ms. Keller came in, she
7 didn't introduce herself. She was very aggressive.
8 That I surprised. I just recently, not too long
9 that she came in the store and inspect. And she
10 just walked straight into my supply room and she
11 make a -- she make a commotion in there. That it
12 made me very upset. That I feel helpless in my own
13 place. She treated me, I feel, as like a criminal,
14 that I do something really wrong, which is I am
15 not. You know, I'm just regular, like everybody,
16 go to work and try and take care of my family.

17 Q. Well, you knew who Ms. Keller was,
18 correct?

19 A. Yes, because she's the only person
20 inspect my store since I was open.

21 Q. Okay. So you had been open since 2010,
22 so she had inspected your stores -- your store a
23 number of times before 2012?

24 A. Yes, sir.

25 Q. And approximately how often would she

1 inspect?

2 A. Well, the first year, she came maybe
3 twice. And the next year, I think she came more
4 than twice. That's why I questioned her and that's
5 why I asked the people around me, you know, the
6 hair salons, see how often they come, because I can
7 feel the difference.

8 Q. Well, in 20 -- tell me what you
9 remember. You don't have any records of this,
10 correct?

11 A. Yeah, but I remember -- I do have,
12 because I own nail salons before. Like I owned
13 Tina Nails. And I have -- you know, it's not like
14 my first time owning a nail salon. So I can feel
15 the difference. I can see the difference.

16 Q. How often did they inspect Tina Nails?

17 A. Once a year, when I started working at
18 Tina Nails.

19 Q. Well, is it fair that they inspected
20 Aloha Nails #2 approximately twice a year?

21 A. What you mean, "fair"?

22 Q. Yes.

23 A. I don't feel -- I question her. I
24 said, If you -- every time she comes and checks my
25 store, she says, Oh, your store very nice, because

1 I have a high-end nail salon and I try to take care
2 of my nail salon, to be clean, and I try to have a
3 good clientele to come back. So I never have a
4 problem with anything. She always compliment about
5 my store, how I keep up with it. And she knows
6 that, when I just opened the nail salon, I have wax
7 product there. She knows I have a private wax room
8 for -- just in case I have an employee who wants to
9 perform waxing. So she knows everything that's
10 going on in my store, except that one incident,
11 that she just write out everything, that she don't
12 even want me to explain it to her.

13 Q. Well, you opened the store in 2010, and
14 you said during that year she came approximately
15 twice?

16 A. Yes, sir.

17 Q. And in 2011, how many times did she
18 come?

19 A. I think two or three times. More than
20 one, for sure.

21 Q. And in 2012, how many times did she
22 come?

23 A. I know it's more than twice.

24 Q. Well, she came on May 1, 2012?

25 A. '12, I think she just recently came in

1 February or January, somewhere around. I know at
2 least twice on that year. Because she just -- I
3 say she just came around a few weeks before that
4 happened.

5 Q. Did she come back after May 1, 2012?

6 A. After the date that she fined me?

7 Q. Yes.

8 A. No, sir.

9 Q. She didn't fine you. She did issue
10 violations?

11 A. Yes. She do the violations, yes.

12 Q. And she didn't come back after that?

13 A. No, she didn't come back. Because
14 shortly after that, I sold the store, in September.

15 Q. Who was present during the inspection?

16 A. Who present? I forgot. I forgot. You
17 mean the inspection when she write the violation?

18 Q. Yes. Who was present during the
19 inspection on May 1st of 2012 when she wrote the
20 violations?

21 A. Well, when she -- when she came in,
22 there's one of my customers, who had just come in
23 and I don't remember what kind of service she
24 needed but she was upset and she left, because
25 Ms. Keller make a scene in there. That she just

1 don't want to be a part of it, so my customer left.
2 And one of my employees, the cleaning lady, she --
3 her name is Tuyet, T-u-y-e-t, and then her friend,
4 her driver, the one that drop her there, she also
5 in there.

6 Q. What was the name of your customer?
7 What is the name of your customer?

8 A. I forgot her name. It's been awhile.
9 It was a black girl.

10 Q. Tuyet was one of your employees?

11 A. She's a cleaning lady, yes. She just
12 started not too long ago.

13 Q. Did she continue to work for you until
14 you sold the store?

15 A. No. She quit after that too.

16 Q. How long did she work for you?

17 A. Just, I would say, maybe a few weeks
18 before that.

19 Q. Well, you've indicated that Thuy Pham
20 worked for you a total of just a few weeks.

21 A. Yeah, she's one of nail techs and then
22 Ms. Tuyet, she's a cleaning lady. So I'm not
23 considering her as a nail tech because she just
24 cleans, you know.

25 Q. Did you have a manicurist working there

1 before Thuy Pham and, if so, who?

2 A. Yeah. I forgot what her name is,
3 because it's been awhile. People just come and go
4 and I just forgot.

5 Q. Do you know how long she worked for
6 you?

7 A. One of them worked -- because like she
8 always used American name and then Vietnamese name,
9 you know, so sometimes I get confused what legally
10 name she uses. But she used to work for a few
11 months and then quit. Sometimes they work for a
12 few weeks and then they quit, because they move to
13 different place. Because my store, I have very
14 high-end store. I clean. I keep my stuff clean,
15 and they didn't like that. You know, they -- they
16 don't like all the rules I have. I'm very picky
17 with my stuff.

18 Q. Well, you called your Aloha Nails #2 a
19 high-end store several times and --

20 A. Yes, because I have good customers.

21 Q. Let me finish. Okay. Let me say --
22 you know, she can only write when one of us is
23 talking and I talk very slow. So you have to wait
24 for me to finish. Okay?

25 A. (Witness nods head affirmatively.)

1 Q. Tell me why you describe Aloha Nails #2
2 as a high-end store, understanding that I have
3 never been there.

4 A. Well, we have good customer service. I
5 do take pride in my work, because I love what I do
6 and my customers treat me really good. So I want
7 to give them the best service. Compared with most
8 of the nail salons that I have experience, by
9 knowing the people around, that I consider mine as
10 a high-end. And then I use organic products for my
11 customers, if they like eco friendly. So it's --
12 for a lot of the Asian-owned nail salons, I
13 consider mine as a high-end nail salon. And my
14 customers, they treat me good, you know, and I want
15 to give them the best service I can. And I like to
16 keep my store clean. I sanitize the pedicure
17 chair. You know, because a lot of people, they
18 don't care to clean after each customer but I do
19 care because I wouldn't want to do that to myself.
20 So a lot --

21 Q. Was --

22 A. -- of people don't like that.

23 Q. I'm sorry. I didn't mean to cut you
24 off. I'm sorry.

25 Was Lyons Den Hair Salon a high-end

1 store?

2 A. It's a very nice area. So in that
3 Coursey Boulevard. They have ten place, so they're
4 busy. They're really good.

5 Q. They do manicures?

6 A. I don't -- I know they do hair. They
7 have about ten people that work there.

8 Q. They do hair and waxing?

9 A. I don't know if they do waxing or not,
10 but they do hair.

11 Q. And is the owner of -- is the owner and
12 all of the employees of Lyons Den Hair Salon
13 non-Vietnamese and non-Asian?

14 A. Yes, they are. They're white American.

15 Q. Well, tell me about the inspection.
16 What time of the day did the inspection occur?

17 A. She came pretty early. I would say
18 maybe 9:00, 10:00, 11:00, in those between times.
19 It's not like it's later day. It's early.

20 Q. She came by herself?

21 A. Yes, she came by herself.

22 Q. She always came by herself?

23 A. Yes, sir.

24 Q. And what did she do?

25 A. Well, when she come in, I have a

1 customer that's already there and she asked me for
2 some kind of service, I don't remember. And then
3 Tuyet just showed up and helped me clean the chair.
4 And when I seen Ms. Keller come in, I was --
5 there's like an entrance door here, here's a table
6 where I perform all my work and here's a spa chair
7 on this side (indicating). When she came in the
8 front door, I was surprised that I seen her because
9 I didn't see her too long before that. And I say,
10 "Can I help you?" And she didn't say anything.
11 She looked very aggressive and she just walked
12 straight into my supply room, which is -- all my
13 spa chairs are right here (indicating) and this is
14 my supply room and this is my wax room, with a
15 break room. So she just walked straight in there,
16 and I just followed her because I don't know what
17 happened. And I ask her and she say -- while she's
18 walking into the supply room, she say one of my
19 employees report that I hold her license without
20 her will and I have a wax product in my store. And
21 I told her, I say, "Well, the reason I have it in
22 here" -- but Ms. Keller told me not to talk and she
23 make a commotion in my supply room, which is pull
24 my stuff on the shelves down and try to look over
25 my supplies and all the stuff that I have in the

1 supply room. And she found the wax equipment, and
2 she wrote it. She say, "Oh, you're using wax and
3 not having a license to perform wax." And I told
4 her, I said, "Well, because I have employee." She
5 don't want me to explain it, and it's not like her
6 first time being there. She knows that I have
7 employees work there before that's doing wax,
8 performing for my customers because I have the
9 license. She inspected -- a lot of times she -- I
10 mean, all the times that she's been there before,
11 she never gave me a problem. She's always
12 complimenting how I keep up my store. It looked
13 nice and clean. And I think the reason why she was
14 acting like that, because one time, when I just
15 opened the store, she approached me, how nice my
16 store is and she said, "Oh, you have nice TV and I
17 love your TV," and this and that. One of the
18 phrases she told me, that I questioned, she said,
19 "If you take care of me and I take" -- she pulled
20 me into my break room. When she first came in the
21 store, she said, "If you take care of me, then I
22 take care of you." So I just feel like she bribed
23 me, tried to do something not right. And I just
24 kind of ignored that, because I feel like my store
25 is nice and everything; I try to do it right. Why

1 do I have to worry about that?

2 Q. Let me do this. I'm going to give you
3 a piece of paper and I want you to please draw the
4 -- draw your store on the piece of paper with the
5 front door and with the supply room and with the --

6 A. Where I keep all my supplies?

7 Q. -- chair and so forth.

8 MR. SPAHT:

9 And we'll go off the record
10 while you do this, okay? And we'll attach the
11 diagram to the deposition. All right?

12 (Whereupon, the document was marked for
13 identification as Hanh Hoang Exhibit #7 and
14 attached hereto.)

15 BY MR. SPAHT:

16 Q. Ms. Hoang, while we were off the
17 record, you drew this diagram, which I've marked as
18 Exhibit #7 and I'm going to attach that to the
19 deposition.

20 What you have drawn here is the front
21 door and then the back door?

22 A. Yes.

23 Q. And then as you enter the front door,
24 to the entrance, right, there is the cashier?

25 A. Uh-huh.

1 Q. And there is a --

2 A. Manicure table.

3 Q. -- manicure table?

4 A. This is all manicure tables.

5 Q. And you have a series of manicure
6 tables on the right side of the --

7 A. Left side.

8 Q. Well, it's on the -- it's on the right
9 side as you enter the front door?

10 A. Yes, sir.

11 Q. And as you enter the front door, on the
12 left side you've drawn a couch and that's for
13 customers to sit in while they wait for service?

14 A. Uh-huh.

15 Q. And then you've drawn --

16 A. A dry table, and then this is all the
17 spa chairs.

18 MR. HOANG:

19 What is that, "dry table"?

20 Oh, for your fingers?

21 THE WITNESS:

22 Yeah, dry table. Where
23 people, after they're done, they can sit here and
24 dry their nails and their toes.

25 BY MR. SPAHT:

1 Q. And you've drawn three spa chairs but I
2 believe you've indicated you have --

3 A. I have about five, four or five.

4 Q. You have about five spa chairs?

5 A. Uh-huh.

6 Q. And then towards the back of the salon,
7 there is a wall and a door and behind the door on
8 the right is the wax room?

9 A. Yeah.

10 Q. And then behind the wax room is a break
11 room?

12 A. Break room, yes.

13 Q. That's where your employees --

14 A. They're all connected. That's where
15 they eat lunch and take a break.

16 Q. Okay. And then as you enter, behind
17 the wall on the left, is a supply room and behind
18 that is the rest room?

19 A. Yes.

20 Q. And then there's the back door?

21 A. Back door. It's just straight, front
22 and back.

23 Q. Now, you've indicated that when
24 Ms. Keller entered the front door, you were
25 standing --

1 A. I was right here (indicating), with my
2 customer, who just came in before her.

3 Q. Well, "right here" is not going to be
4 reflected in the record. So why don't you take
5 where you were standing and draw a little line out
6 to the side and put your name there for where you
7 were standing?

8 A. Yeah, this is me right here
9 (indicating).

10 Q. And you said there was one customer in
11 there at the time?

12 A. Yes. She had just came in, and I
13 forgot what kind of service she needs. And then
14 Ms. Keller came in and I asked her, Can I help you?
15 And she just walked straight into my supply room.

16 Q. So no service had been started on the
17 customer?

18 A. Yeah. I don't remember. She just sit
19 down. Maybe she want to soak off her nail or
20 something. I forgot. It's been awhile.

21 Q. And Ms. Tuyet was located -- you've
22 indicated where she was located when Ms. Keller
23 came?

24 A. Yes. She was helping me cleaning the
25 chair, because she just came in. Usually, when

1 they just came in, she help me to clean it up.
2 That's her job. She clean it up. And her friend,
3 just drop her off, she was sitting right here
4 (indicating).

5 Q. Her friend was in the chair that you've
6 draw there?

7 A. Yeah, like behind where the working
8 area, you know. And the customer sits here and I
9 sit here and her friend would sit here
10 (indicating).

11 Q. Well, there's the friend and then
12 here's the customer in the chair behind the --

13 A. The customer is here (indicating).

14 MR. HOANG:

15 Let him finish, for the
16 record.

17 BY MR. SPAHT:

18 Q. The customer is in front of this
19 manicure table?

20 A. Yes.

21 Q. Now, the inspection report and
22 violation reports indicate that you locked the
23 front door; is that correct?

24 A. Well, with all that -- no, the door is
25 always unlocked because that's how my customers get

1 in and out. When she came in, she very aggressive
2 and she start commotion in this supply room and
3 then I tried to explain it to her. And after she
4 find the wax supply in here, she go into my break
5 room and she started a commotion in there by moving
6 my stuff on the shelves. Because I have -- in the
7 break room, I have the other supplies in there,
8 like toilet paper or maybe the other stuff that I
9 need for my store. And she came into the wax room,
10 which is -- they don't have no customers, no wax
11 supplies. There might be a table and a chair, but
12 nobody performing wax at that time. And then I
13 would try to talk to her and she still don't want
14 to listen, and me and her exchange the conversation
15 because I was upset what she did to my store and
16 then I -- while she's doing that, she said that,
17 Okay, your employee reports that you have a wax
18 supply. So that's why I'm here. And I tried to
19 explain it to her. It's not your first time here.
20 You've been here before. You know I have a wax
21 room for my previous employee. That's why I make
22 it available, just in case I have, you know,
23 employee who can perform in wax, you see? That's
24 why I have it here. And she's been there before.
25 It's not like her first time and she don't know

1 that I have a wax room.

2 And then when she would try to get out
3 and she go to the cashier, that's where I have all
4 of my licenses, you know, like a frame. That's
5 where I put all my licenses, for the people working
6 for me. She was writing down the licenses while
7 she's standing here (indicating). And I thought
8 that she tried to walk to the couch and sit down
9 and doing something. I don't know what she do. So
10 all I do is just follow her, you see? And then I
11 saw a customer walk in, try to come in the door.
12 So while she's walking over here -- I don't know
13 what she's doing. I was behind, following her.
14 When I see a customer walk in, I just try to reach
15 for the door to lock them, so I don't want my
16 customer to come in and see what happened because I
17 am a professional. I don't want to show my
18 customers that -- what happened in my store at that
19 time.

20 Q. And did you lock the front door?

21 A. I did lock the door, because I saw a
22 customer walk in, and she's accusing me that I
23 tried to lock her in. I said, "Ms. Keller, I am
24 this small and you are this tall. How can I
25 overpower you by locking the door? If you want to

1 get out, I let you out but I have to wait for my
2 customer to leave." I gave her a sign that we're
3 closed, we're not open. So the customer left.

4 Ms. Keller walked outside and she
5 reached for the phone, she called somebody. I
6 overheard her to talk to somebody on the phone.
7 She said, "Girl, she tried to lock me out," and
8 she's laughing. She's laughing over conversation,
9 when I was in a panic mode, and she's enjoying it.
10 That's how I feel. And she's walking to her car.
11 I don't know what she's doing, but she came back in
12 with a bunch of papers, that she writes me the
13 violations. And I told her, I said, "Ms. Keller,
14 this is not true. Can I explain my side?" And she
15 said -- she said, "You just sign the papers. And
16 if you agree -- disagree or something, then you can
17 appeal."

18 And at that time, I just wanted to get
19 rid of her because I have -- you know, I was in a
20 panic mode and I was upset and I was -- I just
21 worry, you know, how -- it's just a lot of things
22 going on in my head at that time. So I just wanted
23 to sign it to get rid of her.

24 Q. And when Ms. Keller went into the
25 supply room, she did find waxing supplies and

1 waxing equipment, correct?

2 A. Yes, sir. Because I have stuff that I
3 put in the supply room, things that I'm not using
4 or things I needed, you know, but I just keep it in
5 there just for -- just in case I have another
6 employee come in and she might have the license.

7 Q. And, in fact, you had a room at your
8 salon that you called the "wax room"?

9 A. Yeah, but I'm not using it for a while
10 because my -- one of my employees, she quit for a
11 while. So I didn't -- I didn't use the wax room.

12 Q. Who is the employee who quit, who
13 previously did the waxing at Aloha Nails #2?

14 A. Her first name is Huynh, H-u-y-n-h.
15 And you can see in the record that, when she
16 inspected me before, they did have a license.

17 Q. Do you know how the inspectors
18 determine who they are going to inspect?

19 MR. HOANG:

20 Objection. Lack of
21 foundation.

22 A. I don't understand what you say. I
23 don't understand.

24 BY MR. SPAHT:

25 Q. Do you know how the -- well, I don't

1 know how else to ask it.

2 The inspectors came to your store on
3 May 1st and you said they came maybe twice a year,
4 correct?

5 A. Yeah. I can't predict when they come.
6 They just come, you know, because they try -- I
7 think the purpose is -- I did ask Ms. Keller, I
8 say, Well, if you never find anything wrong to my
9 store, you always complimenting how clean I keep up
10 my store, why you keep coming back?

11 I did call and make a comment. I did
12 call the State board and I say, Why do inspections
13 keep coming back to the store when they don't have
14 anything wrong?

15 Q. When did you make --

16 A. Because as long as I remember, I owned
17 a business, if there's something wrong with your
18 store, then inspection come back to correct and to
19 make sure that you are correcting that. But she's
20 always complimenting my store, that you keep nice
21 and clean. So that's why I don't know why she
22 keeps coming back. I think she wanted to come and
23 wants to see something wrong with the store. She
24 got a purpose, that she want to make a violation,
25 make money from my store. I don't know.

1 Q. When did you call and complain that --

2 A. The second year. The second year.

3 Q. Let me finish. When did you call and
4 complain and ask why do the inspectors keep coming
5 back?

6 A. I think the second year. I find
7 something wrong. Because like I told you before, I
8 owned a nail salon before. I just see something
9 wrong.

10 Q. I don't know what the "second year"
11 means. Does that mean in 2011?

12 A. 2012 -- a year after I first opened.
13 So maybe 2011 or 2012. I think I opened --

14 Q. Well, you've indicated that you think
15 they inspected approximately twice a year and you
16 think that's too much?

17 A. I just feel unusual because if you --
18 when you own a business, if the inspection comes
19 and they say, Oh, everything looks nice. They give
20 you a paper that says everything is fine. That
21 means they have no reason to come back and
22 inspection you again. Because if you did something
23 wrong, that's when they come back and try to make
24 sure you correct the violation.

25 Q. Well, what do you think would be a

1 reasonable number of inspections of a nail salon?

2 A. I think once a year is fine because,
3 you know, if a nail salon does not meet the
4 sanitation, then they can make a correction visit,
5 more than one. But if there's nothing wrong, what
6 is the point to keep coming back? Unless you want
7 to find some mark, something wrong, so that way she
8 can find a way to violation us and make some money
9 from us.

10 Q. And are you accusing Ms. Keller of
11 bribery?

12 A. Yeah. Because I just feel unusual for
13 her to meet me the first time to say, If I take
14 care of you, then -- then you take care of me. You
15 know, that's -- to me, that's really strange, the
16 way she talked like that. If it's somebody that
17 you know, then it's okay. But it's the first time
18 I met her and she said that to me, so that's why I
19 think she -- she's --

20 Q. Did she ever say that to you again?

21 A. She didn't say that to me again, but
22 she make a remark like, she say, Oh -- she coming
23 back, she always says my store is nice but then she
24 say, Don't do this and don't do that. And I just
25 think like she gave me a difficult time because I

1 didn't do what she asked me to. That's how I feel.

2 Q. Well, what did she tell you not to do?

3 A. Because she said, you know, if you take
4 care of me and I take care of you. And I do --
5 Ms. Keller worked for the State board for a while
6 and I do heard a lot of stuff from her, but I don't
7 want to mention names. But, Ms. Keller, she do
8 take money from the other stores, when they don't
9 meet their sanitation, or maybe she wants to make
10 money extra. I don't know what her purpose, but
11 she -- she does that, I heard that before.

12 Q. Well, wait a minute. Let's go back --
13 let's go back through it.

14 You said that she worked for the State
15 Bar?

16 A. She worked for the State Board, for the
17 cosmetology.

18 Q. For the cosmetology board?

19 A. Yes, for a while. So she do know
20 people around, you know.

21 Q. Okay. And you said that she took money
22 from other people?

23 A. I heard. I heard that. I heard it.

24 Q. And who are these people?

25 A. I don't want to mention their names.

1 Q. Well, I'm going to ask you because
2 that's a very serious accusation.

3 A. Yeah. I don't want to mention their
4 name, because I don't want them to be --

5 Q. And if you're accusing her of bribery,
6 she has the right to know who --

7 A. But the way she's approaching me, by
8 saying, If I take care of you, then you take care
9 of me. That's a really strange phrase when you
10 talk with somebody for the first time. And I do
11 heard about her history before and I tried to
12 ignore that.

13 Q. And I want to know the names of the
14 people who told -- let me finish. I want to know
15 the names of the people who told you that
16 Ms. Keller was taking money from them?

17 A. Like I say, I don't want to mention the
18 names.

19 Q. I want you to tell me.

20 A. I don't -- I don't have to. I don't
21 want to.

22 Q. You're refusing to tell me?

23 A. Yes, sir.

24 Q. How many people told you that?

25 A. A lot.

1 Q. What is "a lot"?

2 A. Like I say, she works --

3 MR. HOANG:

4 Objection. Harassment.

5 A. (Continuing) -- she worked with them
6 for a long time, so she do know what she's doing.

7 BY MR. SPAHT:

8 Q. Ten people told you that?

9 A. It's more than that.

10 MR. HOANG:

11 Objection. Harassment.

12 BY MR. SPAHT:

13 Q. More than ten people?

14 A. Yeah.

15 MR. HOANG:

16 Bribery has nothing to do
17 with the case. Objection to relevance.

18 A. (Continuing) And I know she works on
19 Sunday. I don't ever know that State board has
20 allowed the employee to do inspection on Sunday.
21 So that's what I heard. She even go inspection on
22 the nail salons on Sunday.

23 BY MR. SPAHT:

24 Q. Well, we'll get to that, okay? But you
25 said that on some of her inspections, she would

1 tell you that you needed to fix this or you needed
2 to fix that?

3 A. She just make a nonsense comment,
4 because it's a brand-new nail salon, you know.
5 There's nothing wrong with it. There's certain
6 things that I can correct it, but she -- the first
7 time she stated that to me and I ignored her. I'm
8 pretty sure that she tried to, you know, convince
9 me that if I don't take care of her, then it's
10 going to be in the future. And I tried to ignore
11 that because I feel it's not right for her to do
12 that, and I try to do it right because I try to
13 meet the expectation, to sanitize, whatever the
14 State board, you know, regulation.

15 Q. What did she -- what did she tell you
16 that you needed to fix?

17 A. She just said, Oh, don't put the -- you
18 know, the supplies are supposed to be like above,
19 or maybe a chair. She said, Don't put it this way.
20 She just tried to give me a hard time. But she can
21 never find nothing because I always keep up with my
22 store. You know, I always ask my employees to do
23 what they're supposed to do. So she make a lot of
24 comments, but she never violate me because there's
25 nothing wrong for her.

1 Q. Well --

2 A. But I just feel odd.

3 Q. Ms. Hoang, you said she gave you a hard
4 time because she told you that you had to move a
5 chair?

6 A. No. She just said -- that's what I
7 said, it's just a nonsense comment.

8 MR. HOANG:

9 Objection. Misstatement of
10 the plaintiff's testimony.

11 A. (Continuing) It's not a big deal for me
12 to move, you know, but she make a comment like
13 that, just to give me a hard time.

14 MR. HOANG:

15 Asked and answered.

16 A. (Continuing) That's what I meant.

17 BY MR. SPAHT:

18 Q. Well, she told you you had to move a
19 chair and she told you what else? What else did
20 she say to give you a hard time?

21 A. I don't remember, but she did give me a
22 hard time after that. But I always do what she
23 told me, and it's not like her first time being in
24 my store. She know I have wax equipment. Why she
25 make a big deal about that on that day, that

1 particular day?

2 The way I feel now, that she's on a
3 mission. She just have to write me that. She just
4 have to make a violation on that day. She's on a
5 mission to take me -- to write me down and treat me
6 badly. That I feel like I have no right in my
7 store.

8 Q. Well, I just want the record to be
9 clear because the record -- you're making the
10 record, okay? On the very first inspection that
11 she made, she said something to the effect, If you
12 take care of me, I'll take care of you?

13 A. Yes.

14 Q. Did she ever ask you for any money?

15 A. She didn't ask me, but she mentioned
16 about she liked my TV and she needed a TV like that
17 in her house. And, you know, she compliment the TV
18 a lot. And then when she talked to me like that, I
19 just feel like it's odd. This is the first time
20 that I met her, and she's just inspecting my store
21 for the first time and then she talks to me like
22 that. And so I have a question, you know. And I
23 heard the history of her and that's why I try to
24 ignore that, whatever she try to tell me.

25 Q. Did she did ever ask you for anything?

1 A. She didn't ask me but she -- I think
2 she mentioned a few things but I just tried to
3 ignore her because, you know, I just feel it's not
4 right for her to do that.

5 Q. And after the first inspection, she
6 would point out various things that you needed to
7 correct?

8 A. Yeah, just something. To me, it's just
9 not a big deal. You know, because I know that when
10 you open a nail salon, there's certain regulations
11 you need to do. But she just kind of gave me a
12 hard time after that but she never make a violation
13 on anything because, you know, I try to keep up
14 with my store, like I say.

15 Q. Well, I'm trying to understand how she
16 gave you a hard time. You said that on one
17 occasion she told you you had to move a chair.
18 What else?

19 A. I said one example, one example, that I
20 remember.

21 Q. Well, give me -- give me some more
22 examples.

23 A. Like, you know, she just -- like a spa
24 chair, and she make my employees lift up the whole
25 spa chair, which they're really heavy and they

1 involve pipe. And I thought it was unnecessary.
2 She wanted to check under there to see if they not
3 clean, because she could find nothing wrong with my
4 nail salon. So she just tried to dig in to find
5 more. That -- she tried to find any kind of mark
6 to violate me, you know. And I just thought that
7 was just odd, that she do a lot of stuff that I
8 just think is unnecessary.

9 Q. Can you give me any more examples?

10 A. She do a lot of stuff, but now I don't
11 remember. I just know she was giving me a hard
12 time, after that.

13 Q. So what you've described is that there
14 was friction between you and Ms. Keller before
15 May 1st of 2012?

16 MR. HOANG:

17 Objection. Misstatement of
18 the plaintiff's testimony.

19 BY MR. SPAHT:

20 Q. Is that correct?

21 MR. HOANG:

22 Objection.

23 A. I don't want to answer that. I just
24 know that after that -- you know, the first time
25 she met me, after that she kind of gave me a hard

1 time, but she never violate me or anything, except
2 that one time that she just come in and make a big
3 deal about that I have the wax and she make a false
4 accusation that my store not clean, which I'm not
5 signing the paper. You look over the record.
6 There's a few things that she put on the list that
7 I didn't even acknowledge on that day when I
8 signed. I just feel like she has an empty paper
9 and she just tried to fill it in and make a big
10 deal. So I just -- I just have to pay for the
11 fine. That's how I feel.

12 BY MR. SPAHT:

13 Q. Okay. When she left, she gave you the
14 inspection report and the notices of violation,
15 which you signed, correct?

16 A. Yes. Yes.

17 Q. And you brought all of that with you
18 here today?

19 A. As much as I have it with me.

20 Q. And in her -- she gave you a violation
21 for waxing equipment and supplies in the nail
22 salon?

23 A. Yes. And which it's not like it's new
24 to her. She know about it before.

25 Q. It had been -- how long had the waxing

1 equipment and supplies been in the nail salon?

2 A. Since Ms. Huynh -- she start with me a
3 few weeks right after I just opened. The reason
4 that I had the wax room is because my nephew, when
5 he built that nail salon, he had it there. So I
6 just keep it as is, you know. And when Ms. Huynh
7 come in as a businesswoman, I thought it was a good
8 idea for me to just use that room. I don't know
9 what purpose he built that room. He might -- he
10 might like want people to rent it out, as a spa
11 room to do facials. I don't know what his purpose.
12 But when I had that room and I just want to use it,
13 because Ms. Huynh have a license to practice the
14 wax, so I just thought it makes sense, to me, and I
15 just doing it.

16 Q. But you did not have a license to do
17 waxing?

18 A. No, I don't do the wax at all.

19 Q. And Aloha Nails #2 did not have a
20 license to do waxing, did it?

21 MR. HOANG:

22 Objection.

23 A. But if the employee have a license,
24 they can perform it.

25 MR. HOANG:

1 A. Yeah. The reason she do that, because
2 she tried to ask me to do something I feel is not
3 right and I don't want to mention it. She asked me
4 to do stuff, like favors for her, and I just feel
5 it's not right. And she just -- she didn't like
6 that I do that, so she -- I feel like maybe she
7 just try to --

8 A. (Through interpreter) Taking revenge.

9 MR. SPAHT:

10 What did she say?

11 THE INTERPRETER:

12 She say what is the
13 meaning, what is the English word for "revenge," to
14 take revenge?

15 A. (Continuing) She just quit on me
16 without letting me know, and then she make a false
17 accusation about that I keep her license without
18 her will. And because she just quit on that day,
19 that's why Ms. Keller came in and then that's why I
20 didn't know that she go to the State board and make
21 that statement.

22 BY MR. SPAHT:

23 Q. Well, when she gave you the notice of
24 violation, you knew that --

25 A. Yes.

1 Q. -- this lady had gone to their office
2 and given them a statement?

3 A. A false accusation, yes.

4 Q. A false accusation?

5 A. Yes.

6 Q. What did this employee do that you
7 thought was improper?

8 MR. HOANG:

9 Objection. Irrelevance.

10 BY MR. SPAHT:

11 Q. What did -- what did Thuy Pham do?

12 A. I don't want to mention it. It's a
13 long story. And I want her -- for her children's
14 sake, I don't want to mention it.

15 Q. Well, I'm asking you.

16 A. Yeah, I don't want to talk about it.

17 MR. HOANG:

18 Objection. It's irrelevant
19 to the case.

20 A. (Continuing) I don't want to talk about
21 it. I'm a person that I don't kiss and tell the
22 stuff like that. When people -- when people ask me
23 something and if I disagree, that means I'm not
24 going to mention it to somebody, to take them down.
25 I'm not that person.

1 BY MR. SPAHT:

2 Q. Now --

3 MR. SPAHT:

4 Can you hand me a couple of
5 exhibit stickers?

6 THE COURT REPORTER:

7 Yes.

8 MR. HOANG:

9 While you do that, I'll go
10 to the rest room.

11 (Discussion off the record.)

12 (Whereupon, the documents were marked for
13 identification as Hanh Hoang Exhibits #8 and #9 and
14 attached hereto.)

15 BY MR. SPAHT:

16 Q. Ms. Hoang, after the inspection, did
17 you receive these letters from Mr. Young, dated
18 July 3rd of 2012, which I marked as Exhibit #8 and
19 Exhibit #9?

20 A. (Witness reviews documents.)

21 MR. HOANG:

22 Can you repeat the
23 question, Paul?

24 BY MR. SPAHT:

25 Q. Did you receive these letters that I've

1 marked as --

2 A. Yes, sir.

3 Q. -- Exhibits #8 and #9?

4 MR. HOANG:

5 Yes.

6 BY MR. SPAHT:

7 Q. And did you respond in writing to the
8 letters?

9 A. I didn't write back because they -- I
10 just know that they send me the letter/violation,
11 and I don't know how the legal work and, you know,
12 I don't -- I just seek for advice from a lawyer and
13 I just, you know, waiting because I don't know.
14 This is the first time it happened to me. So I
15 don't know what to do.

16 Q. Now, you mentioned an inspection on a
17 Sunday at another location and --

18 A. I heard that before, yes.

19 Q. And tell me about that. Who told you
20 that an inspector had inspected another location on
21 a Sunday?

22 A. I don't want to -- I don't want to
23 mention their name, because for me to come in here,
24 it takes courage, you know. Like I say, because
25 most of Asians, they don't like to involve into

1 law. They just like to leave alone, go to work and
2 do the right thing. So I don't want to give them a
3 difficult time in the future. I want to keep it
4 privacy.

5 Q. Well --

6 A. I don't want to bring their name up to
7 hurt them in the future.

8 Q. Well, I think you've already mentioned
9 her name. Isn't her name Kristi?

10 A. No, that's not her name. Christine
11 (sic) is the owner's name of the Lyons Den Hair
12 Salon.

13 Q. Okay. Well, is it improper for the
14 board to inspect a salon on a Sunday?

15 A. I just feel kind of odd because if you
16 work for the State, aren't you supposed to work
17 Monday through Friday, or maybe Saturday? But I
18 don't ever see -- as long as I come to the United
19 States and own my business, I never have an
20 inspection, or whoever work for the State, come
21 inspect us on a Sunday.

22 Q. And that's why you think that's
23 improper?

24 A. Yes, sir, I'm very sure, because I
25 don't think I ever see any people who work for the

1 State work on a Sunday for inspection.

2 Q. Was this unidentified salon located in
3 Baton Rouge?

4 A. What do you mean "unidentified"?

5 Q. Well, you said that there's some salon
6 that they inspected on a Sunday but you won't tell
7 me who it is. So I don't know how to describe it
8 other than an "unidentified" salon.

9 A. Yeah. I don't want to mention their
10 name because I don't want to hurt their business.

11 Q. Was it owned by Vietnamese?

12 A. Yes, sir.

13 Q. Was it located in Baton Rouge?

14 A. Yes, sir.

15 Q. Was Margaret Keller the inspector?

16 A. Yes, sir.

17 MR. HILBURN:

18 And for the record, are you
19 refusing to provide an answer --

20 THE WITNESS:

21 Yes, sir.

22 MR. HILBURN:

23 -- to Mr. Spaht's question?

24 THE WITNESS:

25 Yes. I don't want to. But

1 I think the State board needs to look into that.

2 BY MR. SPAHT:

3 Q. Well, how is the State board going to
4 look into it if you won't --

5 A. Because I don't want her to --

6 Q. Excuse me.

7 A. -- use the State board title by doing
8 illegal. For me, it's not right. Because
9 everybody works hard for their money and she's just
10 using the title to go do that. It's not right.
11 And I just feel like because of the language and
12 they're taking advantage of the Asian community
13 because we are the majority, the women that go work
14 by doing the nails, and that's how I feel, you
15 know. It's just so easy to make money from us
16 because we don't go appeal, we don't go call the
17 newspaper or make a big deal out of it. So it's
18 just easy to make money.

19 Q. Well, on this Sunday inspection, did
20 Margaret Keller find a violation?

21 A. Of course. She has to. She's there
22 for a mission. You know, when you do that, I don't
23 feel like -- I don't think it's the right way. I
24 never see people who work for the State go
25 inspection on Sunday. If she's there, that means

1 she have a purpose of it.

2 Q. And did she find a violation on that
3 Sunday inspection?

4 A. Of course. You know, if she's there,
5 she wants to make extra money.

6 Q. So she did find a violation?

7 A. Yes.

8 Q. This is your sworn --

9 A. She just --

10 Q. Excuse me.

11 A. She said --

12 MR. HOANG:

13 Objection. Relevance.

14 BY MR. SPAHT:

15 Q. It's your sworn testimony that Margaret
16 Keller found a violation on that Sunday?

17 MR. HOANG:

18 Objection. Lack of
19 foundation.

20 A. She try, so she can make extra money, I
21 think.

22 BY MR. SPAHT:

23 Q. And she found a violation?

24 MR. HOANG:

25 Objection. Misstatement of

1 plaintiff's testimony.

2 A. She there for a purpose. She have a
3 mission.

4 MR. HOANG:

5 Asked and answered.

6 BY MR. SPAHT:

7 Q. Now, have you filed tax returns for
8 2013 and 2014?

9 A. I think so. Did I have it in there?

10 Q. No. You have not given me your tax
11 returns for 2013 or 2014. You gave me tax returns
12 for 2010, 2011 and 2012.

13 A. I guess it's because we do that for --
14 just for the nail salon. Because my other
15 business, I just thought it's not relevant.

16 Q. Are you claiming any damages for the
17 years 2013 or 2014?

18 A. I don't remember because my husband, he
19 takes care of the tax papers with Mr. Sam.

20 Q. Well, I'm not asking you about the tax
21 returns. I'm asking you if you are claiming
22 damages for the year 2013 and 2014?

23 A. I don't think so.

24 MR. HOANG:

25 Please interpret that.

1 (The interpreter interprets the question.)

2 MR. HOANG:

3 Objection to
4 interpretation.

5 (The interpreter interprets the question.)

6 MR. HOANG:

7 Objection to
8 interpretation. That's not what you asked.

9 THE INTERPRETER:

10 Damages, you asked. Did
11 you file for damages for the year 2012 --

12 BY MR. SPAHT:

13 Q. Are you claiming -- let me ask it
14 again. Are you claiming damages for the years 2013
15 and 2014?

16 A. I don't remember. My husband --

17 Q. Well, I'm asking you now. Are you
18 claiming damages for the year 2013 and 2014?

19 MR. HOANG:

20 Objection. Vagueness. She
21 doesn't know what damages you're referring to.

22 MR. SPAHT:

23 I'm asking for any damages.

24 MR. HOANG:

25 For what?

1 BY MR. SPAHT:

2 Q. Any damages against Celia Cangelosi for
3 the year --

4 MR. HOANG:

5 Objection. Vagueness.

6 BY MR. SPAHT:

7 Q. -- 2013 or 2014?

8 A. I don't remember. I don't remember.
9 My husband, he do the tax.

10 Q. What damages did you sustain for the
11 year 2013 or 2014?

12 MR. HOANG:

13 Objection. Vagueness. For
14 what?

15 A. '13, '14, huh-uh.

16 MR. HOANG:

17 Objection. Vagueness.
18 Clarify your question.

19 BY MR. SPAHT:

20 Q. What damages did you sustain, as a
21 result of the inspection on May 1st of 2012, during
22 the years 2013 or 2014?

23 A. I don't claim any -- any damage, but I
24 know that after inspection, it affect really bad on
25 my business, which I have no employees who will

1 work for me and she put me through the stress,
2 which I have tons of violations that I know that is
3 not right. And I have -- I feel like hopeless --
4 helpless, that I can -- I don't know that I can get
5 a voice. I try to say my side. I just worry a
6 lot. I go through a lot of stress and anxiety.
7 That's why I just want to sell the store, to get
8 rid of it, because I think it's just, the longer I
9 keep, I don't know what they're going to do next.

10 Q. Have you seen any doctor for your
11 stress?

12 A. No, sir.

13 Q. Do you take any medicine for your
14 stress?

15 A. I just try to suck it in and try to go
16 on with my daily life, you know, because I have
17 three kids and I just don't want to go through
18 that, because I want to be the best mom I can, you
19 know. So I didn't go for -- and like most of
20 Asians, we only go to a doctor until we die or
21 something. We just so hardhead and we just try to
22 stay busy and take care of family, you know.

23 Q. Now, in your answers to
24 interrogatories, you have -- you have this
25 statement. You mention Tuyet Pham and you say -- I

1 Q. How about hepatitis?

2 A. Yeah.

3 Q. Isn't that one that can be spread?

4 A. Yes, I think so.

5 Q. HIV or the AIDS virus can be spread; is
6 that right?

7 A. Yeah.

8 Q. Would you agree that not all salons are
9 as clean as you say your salons are -- your salon?

10 A. Yes, some of it. Some of it, but I
11 think, over the years, people, they educated and
12 they try to keep -- meet their expectation.

13 Q. So you certainly agree that there is a
14 need to have nail salons inspected to make sure
15 they're following the regulations. Am I right?

16 A. I do agree, but I think if they do that
17 to the Asian community, they should do it to every
18 race.

19 Q. Fair enough. The Lyons Den Hair Salon
20 that you mentioned earlier, have you ever been
21 present at the Lyons Den when it was being
22 inspected by someone from the Louisiana Board --
23 State Board Of Cosmetology?

24 A. No, sir.

25 Q. Has anyone from the Lyons Den Hair

1 Salon ever been at Aloha Nails #2 while it was
2 being inspected by someone from the Louisiana State
3 Board Of Cosmetology?

4 A. No, sir.

5 Q. Do you know if the Lyons Den Hair Salon
6 has ever been issued a citation or a violation for
7 having unpermitted equipment and supplies on its
8 premises?

9 MR. HOANG:

10 Objection. Lack of
11 foundation. Lack of personal knowledge.

12 A. I mean, they have ten employees. So
13 obviously, you know, a hair salon is much busier
14 than mine and I see a lot of stuff is unsanitized.
15 I been there before and get my haircut. It's just
16 common sense that, as a business owner, I keep up
17 with -- I see a lot stuff in their salon that needs
18 to be --

19 BY MR. HILBURN:

20 Q. Maybe you misunderstood my question.
21 Do you know if the Lyons Den has ever been issued a
22 citation or a violation --

23 MR. HOANG:

24 Objection. Lack of
25 foundation.

1 Q. -- for having unpermitted equipment and
2 supplies on its premises? Do you know whether or
3 not that has happened?

4 A. I don't know that they -- but she said
5 that usually the inspection come in and they very
6 nice. They just look around. She didn't do like
7 she did it to us. She pulled out the drawers. She
8 pointed out an unnecessary spa chair with a bunch
9 of pipe and lift it up, how heavy, as a woman, that
10 we have to lift it up. There's a lot of stuff that
11 she did, that I just thought it unnecessary.

12 Q. And, Ms. Hoang, you just testified
13 approximately one minute ago that you have never
14 been present while the Lyons Den has been
15 inspected. Am I right or wrong? Was that your
16 sworn testimony?

17 A. Yeah, but I heard -- the owner told me
18 that she just look around and then go to the front
19 desk, where they have all the licenses and write it
20 down and the owner just signed them. She just gave
21 -- she just gave them, you know, an easy time for
22 what she did to me.

23 Q. So we're clear, though, you have never
24 been present when the Lyons Den was inspected; is
25 that right?

1 A. Yes, but if I heard from the owner,
2 that means she tells me the truth, you know.

3 Q. That's not something you observed,
4 though, is it? You did not see that yourself?

5 A. I didn't see it myself, but she has no
6 point to make that up to me. You know, what is her
7 purpose?

8 Q. Do you know if the Lyons Den has ever
9 been cited for having any unlicensed persons
10 working there?

11 A. I do.

12 MR. HOANG:

13 Objection.

14 BY MR. HILBURN:

15 Q. They do? They have been cited?

16 A. They have -- I don't know if they were
17 cited, but I know there's a few hair -- she
18 performed the dye and the hair stuff for the
19 customers, that she didn't have a license, and Ms.
20 Keller never point it out.

21 Q. When you received the notice of
22 violation on May 1, 2013, it's my understanding,
23 from your testimony, you communicated or you spoke
24 to Mr. Cao, your lawyer, to let him know about the
25 notice of violation; is that right?

1 A. No. I didn't call until I had the
2 paper. They sent it to me, and they say I should
3 consult with some lawyer. And, to me, it just
4 makes common sense for me to go and see him because
5 he, you know --

6 Q. Did you not testify earlier today that
7 you informed Mr. Cao that you had received a notice
8 of violation from the State Board Of Cosmetology?

9 A. When I received the letter.

10 Q. Yes, when you received -- okay, you
11 received a letter?

12 A. Uh-huh.

13 Q. And you informed Mr. Cao at that time
14 that you had received this letter from the State
15 Board of Cosmetology --

16 A. Yes.

17 Q. -- regarding the violation; is that
18 right?

19 A. Yeah. I just seek for advice. See
20 what I can do. Because I don't know anything about
21 this. This is like the first time it happened to
22 me.

23 Q. So Mr. Cao and you were talking about
24 the letter you received from the State Board of
25 Cosmetology before you signed the consent agreement

1 that's been introduced into evidence as Exhibit --
2 attached to your deposition, rather, as Exhibits #5
3 and #6?

4 A. I just asked him certain questions. I
5 said, What do I do? Do I need to go hire me a
6 lawyer? Just something -- just a simple question,
7 but I never want to go into detail because, like I
8 say, I like to keep my business privacy. So if I
9 not hire him as my lawyer, but even though he's my
10 family, it doesn't mean I have to share all
11 information. I have privacy in my business. I
12 just say, What do I do? Do I need to go get me a
13 lawyer? I just want to see if it's appropriate for
14 me to go do that.

15 Q. So you sought and obtained legal advice
16 from Mr. Cao after you received --

17 MR. HOANG:

18 Objection.

19 Q. -- after you received the letter from
20 the State Board Of Cosmetology; is that right?

21 MR. HOANG:

22 Misrepresentation of
23 client's testimony. Objection.

24 A. I just asked. I said, What do I do?
25 Do I need a lawyer, or what do I do? You know, I

1 just asked.

2 Q. And the person you asked is your
3 brother-in-law, Mr. Joseph Cao, who is a lawyer in
4 your office (sic); is that right?

5 A. Yes.

6 Q. And that conversation and all took
7 place before you signed the consent agreement?

8 A. I don't remember. I don't remember.
9 But when I received the letter, then I just asked
10 him and I just do it on my own, because I don't
11 want him to know my business too much.

12 Q. But that would have occurred before you
13 signed the consent agreement? In other words, you
14 spoke to Mr. Cao. Then you signed the consent
15 agreement, right?

16 A. I don't remember. I don't remember,
17 but I know I asked him like, Should I go find me a
18 lawyer?

19 Q. To contest what was in the letter,
20 right?

21 MR. HOANG:

22 Objection.

23 BY MR. HILBURN:

24 Q. To challenge what was in the letter?

25 A. I don't know.

1 MR. HOANG:

2 Misstatement of
3 representation.

4 A. (Continuing) I said, you know, I have a
5 bunch of violations, which is not true. Can I get
6 me a lawyer? So he said, If you don't agree, then
7 you can appeal. And he said, But most of the
8 people that I know, that's clients that come to me,
9 that they appeal but it's not working because they
10 have their own lawyer and they work on the State
11 board favor. And I'm pretty sure you know about
12 it.

13 BY MR. HILBURN:

14 Q. But that's what you did. In other
15 words, you consulted with Mr. Cao, who is a lawyer,
16 after you received the letter from the Louisiana
17 State Board Of Cosmetology?

18 A. I don't remember exactly that I signed
19 it before or after, sir, but I know that I asked
20 for -- I seek for advice.

21 Q. Let me ask you this. He was your
22 brother-in-law before you received the
23 notice-of-violation letter --

24 A. Yes. Of course.

25 Q. -- from the State Board Of Cosmetology,

1 right?

2 A. Yes.

3 Q. And he was a lawyer at the time you
4 received the letter from the State Board of
5 Cosmetology, right?

6 A. Yes.

7 Q. So any conversation you would -- you
8 would have had access or the ability to talk to
9 Mr. Cao, your brother-in-law and also a lawyer,
10 about the letter you received from the State Board
11 of Cosmetology --

12 A. No, I don't remember --

13 Q. -- in 2012?

14 A. -- I discussed every detail, but I say,
15 I have a bunch of violations. I just mentioned
16 that I have a bunch of violations, but I don't name
17 particularly. Because, like I say, even though
18 we're family, but I like to keep privacy for me.
19 You know, I don't want to share that because I
20 don't know -- to me, I just like to keep it private
21 for me.

22 Q. And you certainly knew of your ability
23 to talk to a lawyer before you signed the consent
24 agreements that have been filed -- attached to your
25 deposition, rather?

1 MR. HOANG:

2 Objection. Vagueness.

3 A. No. The reason I signed them and I
4 agree to do all of that is because, like I say,
5 they put me to the pressure. Ms. Keller said, You
6 sign this paper and you can appeal. And then when
7 I seek advice from my brother-in-law, he said he
8 have a lot of clients come to him with the
9 violations that's similar like me. He didn't name
10 particularly what, but he said they're not going to
11 get any rights because the lawyer works for the
12 State board and usually the people in the Board are
13 working for State board.

14 So, to me, it's just a comment saying
15 that I -- you know, if me and you, we don't know
16 each other. That way I can -- just like you go to
17 the court, they find a jury and that jury is
18 strangers to everybody. That means they can tell
19 what they feel their rights. But if I work for the
20 State, I don't want them to fire me. I want my
21 paycheck. So, of course, I have to work for a
22 favor state (sic). So, to me, it's helpless for me
23 to think about it.

24 MR. HILBURN:

25 I'll object to the

1 responsiveness of your answer.

2 BY MR. HILBURN:

3 Q. But I want to ask you this question.

4 So the record is clear, Ms. Hoang, your
5 brother-in-law lawyer, Mr. Cao, was a United States
6 congressman from January of 2009 until January of
7 2011; is that correct?

8 A. Yeah, I'm aware of it. Yes.

9 Q. Yes. So your lawyer was a former
10 United States congressman, right?

11 A. Yeah.

12 Q. Is it still your testimony that you
13 signed those documents because you were afraid that
14 something may happen to you if you didn't sign the
15 documents?

16 A. See, to me, I've been living here in
17 America for a while. What he did, that's his
18 position. What I do is my problem. I don't want
19 to use his title because that's his family, my
20 sister's family. It don't have to do anything for
21 me, you know. Because in America, you have your
22 rights. I feel like you have a right to say and
23 then you can fight for justice, but I just feel
24 helpless because with the people -- like most of
25 the Vietnamese people have the violation and when

1 they go to the State board, they try to appeal.
2 And then there are a lot things we make -- we go to
3 -- I know there's one day that we come to the State
4 board --

5 MR. HILBURN:

6 The answer is
7 nonresponsive.

8 A. (Continuing) -- and make a comment, but
9 we never have any answer.

10 BY MR. HILBURN:

11 Q. You're using Mr. Cao in this
12 litigation, aren't you?

13 A. I'm not using his title, but I can seek
14 for advice because he's family, you know. I just
15 ask him, Do you think that I should go get me a
16 lawyer? But I didn't --

17 Q. Did Mr. Cao tell you to go get a
18 lawyer, other than himself, when you talked to him
19 about the notice?

20 A. He didn't tell me go. He said that I
21 could wait and then I can appeal. But he said, I
22 don't know if it's working or not because there's a
23 lot of clients that come to me and they all try to
24 appeal, and then nothing is working because the
25 lawyer works for the State board.

1 And at that time, when I sell my store,
2 my buyer pressure me because she said that the
3 reason she didn't have the permit was because of my
4 violation. So which is me -- in that position, for
5 me, the right way to do that, I don't want her to
6 get affected from it.

7 Q. Who is "her"? Who are you talking
8 about, Ms. Hoang?

9 A. The lady, she buy the store from me.
10 She have a partner. So it's two people, they buy
11 the business. That's their life savings.

12 Q. Is it your testimony, then, you made an
13 economic decision --

14 A. And you can go back and ask that
15 person.

16 Q. Is it your testimony you made an
17 economic decision that it was better to not contest
18 the violation, pay the fine --

19 MR. HOANG:

20 Objection.

21 A. It was the right thing for me to do.

22 Q. -- and sell the business?

23 MR. HOANG:

24 Objection.

25 Misrepresentation of the client's testimony.

1 A. I don't want to stop her from operating
2 her business. It's not right. Because it's not
3 her problem. Why do I have to drag her in just
4 because she's also a Vietnamese and she's using --
5 she's using her lifetime savings and trying to take
6 care of her daughter? It's just the right thing
7 for me to do, you know, at that time.

8 BY MR. HILBURN:

9 Q. Who at the Louisiana State Board of
10 Cosmetology told you that you could not take an
11 appeal of the notice of violation that Ms. Keller
12 gave you?

13 MR. HOANG:

14 Objection.
15 Misrepresentation.

16 A. She don't help you get appeal, but she
17 say if I didn't pay for it, I (sic) can revoke my
18 license and my license will be terminated and I
19 cannot practice as a nail tech in the future.

20 BY MR. HILBURN:

21 Q. Answer this question.

22 A. That was pressure that I -- even though
23 today sitting here, that I go through the stress
24 and go through the story, it's not good for me.

25 Q. Answer this question, please. Who told

1 you -- who at the Louisiana State Board of
2 Cosmetology told you that you did not have the
3 right to appeal the notice of violation that
4 Ms. Keller gave you on May 1, 2013 (sic)?

5 MR. HOANG:

6 Objection.

7 Misrepresentation of the facts. She did not say
8 that.

9 A. They don't say it, but the people of
10 the State board is working for the State board and
11 the lawyer works for the State board. It's
12 obviously, you know. You know better. You -- you
13 work in the State board. You know that -- you
14 know, every week they say that we can go to the
15 State board and make a comment or something that we
16 feel is not right, but it's never corrected.

17 BY MR. HILBURN:

18 Q. Ms. Hoang, let me ask you. I take it
19 from your answer you just gave, no one from the
20 State Board of Cosmetology told you that you could
21 not take an appeal of the violation that Ms. Keller
22 gave you. Is that right, yes or no?

23 A. What do you mean "appeal"?

24 Q. Is it correct to say -- I'll start
25 over. Is it correct to say that no one from the

1 Louisiana State Board of Cosmetology told you you
2 could not take an appeal from the violation
3 citation that was issued by Ms. Keller on May 1,
4 2012?

5 MR. HOANG:

6 Objection to the form of
7 the question.

8 BY MR. HILBURN:

9 Q. Is that right, that no one told you
10 that you could not take an appeal?

11 A. Yeah. I mean, I don't have to answer
12 to that but obviously everybody works for the State
13 board, so, a few people.

14 Q. Who told you -- Ms. Hoang, we will stay
15 here until tomorrow, if we have to. Who told you
16 -- if nobody told you, just say no one at the
17 Louisiana State Board of Cosmetology told me that I
18 could not take an appeal of the citation that was
19 issued by Ms. Keller?

20 A. No, sir.

21 Q. If somebody did tell you, I want to
22 know, please, who that person was?

23 A. No, nobody tell me that I cannot appeal
24 but --

25 Q. Thank you. You've alleged that -- the

1 word that was used was there was collusion to
2 target Asian and Vietnamese salon owners for minor
3 violations. Do you understand what that means?

4 A. Yes, sir. I know exactly what it means
5 and you just look over the record. I'm pretty sure
6 you know about it. You just -- I don't want --

7 Q. Let me ask you some specific questions.
8 What do you know about any discussions between
9 Ms. Celia Cangelosi and Ms. Sherrie Stockstill
10 regarding targeting Asian or Vietnamese American
11 salon owners for minor infractions?

12 A. I don't -- I don't know what they have
13 in their conversation, but they all work for the
14 State board. That's all I know.

15 Q. Same question, what evidence do you
16 have of any discussions between Ms. Cangelosi and
17 Ms. Margaret Keller, where they decided to target
18 Asian and Vietnamese salon owners for minor
19 violations?

20 (The interpreter translated the question.)

21 A. I don't know that they discussed, but
22 it happened every day. It happened every day.

23 Q. What evidence do you have of any
24 discussions between Ms. Cangelosi and Mr. Steve
25 Young, where the discussion was targeting Asian and

1 Vietnamese salon owners for minor violations?

2 A. Of course, I don't work in the State
3 board. How do I know what they do in there? But I
4 know that they go violation every day, every day
5 and you know it.

6 Q. What evidence do you have of any
7 discussions between Ms. Cangelosi and anyone else
8 regarding targeting Asian and Vietnamese salon
9 owners for minor violations?

10 A. I just know that she said that she
11 violate (sic) a lot of Vietnamese.

12 Q. Please answer the question first and
13 then you can answer it. Do you have any evidence
14 of any conversations between Ms. Cangelosi --

15 A. I'm not --

16 Q. -- and anybody else in the world, where
17 the discussion was targeting Asian and Vietnamese
18 nail-salon owners for violations --

19 A. I'm not there, so I don't know that.

20 MR. HOANG:

21 Objection to the form of
22 the question.

23 MR. HILBURN:

24 What is wrong with the form
25 of the question, and I'll re-ask it? What is wrong

1 with the question?

2 MR. HOANG:

3 You're harassing her.

4 You're asking the same one over and over.

5 MR. HILBURN:

6 No. It's a very different

7 question. I asked her about Ms. Stockstill,

8 Ms. Keller and then everybody else on the planet.

9 Those are four distinct questions.

10 MR. HOANG:

11 Just answer the last

12 question.

13 BY MR. HILBURN:

14 Q. Ms. Hoang, I'm going to ask you the

15 same questions. What evidence do you have of any

16 discussions between Ms. Sherrie Stockstill and

17 Ms. Margaret Keller about targeting Asian and

18 Vietnamese nail-salon owners for minor violations?

19 A. For the record --

20 Q. Do you have any evidence?

21 MR. HOANG:

22 Just answer.

23 A. It's for the record, you see that every

24 day that they have violations of Vietnamese

25 community.

1 BY MR. HILBURN:

2 Q. No, ma'am. The question is, what
3 evidence do you have of any discussions between
4 Ms. Stockstill --

5 A. I'm not there, so I don't know.

6 Q. -- and Ms. Margaret Keller --

7 MR. HOANG:

8 She answered.

9 BY MR. HILBURN:

10 Q. -- to target Asian and Vietnamese --

11 A. I said no, I'm not there. So I don't
12 know that they have any connection.

13 MR. HOANG:

14 Asked and answered.

15 BY MR. HILBURN:

16 Q. What -- what evidence do you have of
17 any discussions between Ms. Sherrie Stockstill and
18 Mr. Steve Young about targeting Asian and
19 Vietnamese salon owners for minor violations?

20 A. I don't know. I don't work there, so I
21 don't know.

22 Q. What evidence do you have of any
23 discussions between Ms. Stockstill and anyone else
24 on the planet about targeting Asian and Vietnamese
25 salon owners for violations?

1 A. Like I say, I'm not there, so I don't
2 know that.

3 Q. Okay. What evidence do you have of any
4 discussions between Ms. Margaret Keller and
5 Mr. Steve Young regarding targeting Asian or
6 Vietnamese nail-salon owners for violations?

7 A. I don't know. I'm not there. I don't
8 know.

9 Q. What evidence do you have of Ms.
10 Margaret Keller and any other human being on this
11 planet about targeting Asian and Vietnamese salon
12 owners for violations?

13 A. Say that again.

14 Q. Yeah. What evidence do you have of any
15 discussions between Ms. Margaret Keller and anybody
16 on the planet about targeting Asian and Vietnamese
17 nail-salon owners for infractions?

18 A. I'm not there, so I don't know.

19 Q. What evidence do you have of any
20 discussions between Mr. Steve Young and anybody in
21 the world regarding targeting Asian and Vietnamese
22 salon owners for infractions?

23 A. I don't know.

24 Q. You mentioned earlier you have not
25 received any medical treatment as a result of the

1 inspection on May 1, 2012; is that correct?

2 A. Yes. I just try to suck it in and go
3 daily with my life and that's the solution for me,
4 to try to sell the store so I can --

5 Q. Did you take any kind of medicine, back
6 in May of 2012 after you were inspected?

7 A. I take Tylenol p.m. and Aleve and
8 Advil, something to help me go to sleep.

9 Q. And is that something you do routinely,
10 regularly?

11 A. After that -- after that, I have to
12 take a lot because I just -- I don't -- as a mom, I
13 can't go through that every day, to go through the
14 stress, because I have kids. And I just try to
15 think it's just the best way for me to take
16 medicine and go to sleep so I don't have to think
17 about it and stress about it. And it gives me
18 anxiety every time I think about the salon.

19 Q. Did you take Tylenol p.m. or the other
20 medicines --

21 A. I afraid to take prescriptions because
22 I don't want --

23 Q. Let me finish and then you can answer.
24 I promise I'll let you answer.

25 Did you take Tylenol p.m., or any other

1 MR. HILBURN:

2 I'm sorry. Did you say

3 2015 or --

4 MR. HOANG:

5 2012.

6 MR. HILBURN:

7 2012, I mean.

8 MR. HOANG:

9 On the day of the

10 inspection.

11 MR. HILBURN:

12 You meant 2012?

13 MR. HOANG:

14 Yes.

15 BY MR. HOANG:

16 Q. May 1, 2012, on the date of inspection,
17 where was the waxing equipment?

18 A. In the supply room.

19 Q. Was there anything in the waxing room?

20 A. Maybe a table or a chair, that I have
21 it there.

22 Q. Did Ms. Keller see anyone perform
23 waxing --

24 A. No.

25 Q. -- on May 1, 2012?

1 A. No, definitely not.

2 Q. Did Ms. Margaret Keller see any of your
3 workers, Ms. Tuyet or her friend, the driver, do
4 any manicuring license (sic) or any services on
5 May 1, 2012?

6 A. No.

7 Q. You stated earlier that Ms. Margaret
8 Keller was walking towards the couch, near the
9 front door, and that you witnessed a customer about
10 to walk into the store; is that correct?

11 A. Yes.

12 Q. Your store, how is the store locked?

13 A. Because I didn't want the customer
14 walking in --

15 Q. I'm sorry. Let me rephrase. How is --
16 how do you lock your front door, normally, on a
17 business day?

18 A. What do you mean, how do I lock --

19 Q. How do you lock the door?

20 A. Like when I close it and --

21 Q. Do you close it with a key?

22 A. I close with the tut (phonetic), from
23 the inside. Outside you have to use a key, but
24 inside you just turn it (indicating).

25 MR. SPAHT:

1 Let the record reflect that
2 she's referring to a dead bolt, where she turns it
3 with her hand.

4 A. (Continuing) From the inside, it's just
5 the easier way.

6 BY MR. HOANG:

7 Q. So is it true that, from the inside, a
8 person can open and unlock the door very easily,
9 correct?

10 A. Yes, definitely.

11 Q. Does it take a key to open the door
12 from the inside?

13 A. No, definitely not.

14 Q. Does it take a person who is six feet
15 or more to open the door?

16 A. My baby, she's little and she can open
17 the door.

18 Q. So is it true that anyone can open that
19 door very easily?

20 A. Yes, easily.

21 Q. And you stated earlier that
22 Ms. Margaret Keller is at least -- is a big woman,
23 right?

24 A. Yes, she's tall.

25 Q. Do you see any hindrance that would

1 make her not be able to open the door from the
2 inside of your store?

3 A. Definitely not, no.

4 Q. Were you holding her, stopping her from
5 leaving?

6 A. No.

7 Q. And you mentioned that -- what was her
8 -- what was her composure when she -- when you
9 tried to talk to her near the front of the store,
10 after all of the inspection was almost over? How
11 did she act?

12 THE WITNESS:

13 Composure?

14 INTERPRETER:

15 (The interpreter
16 translates.)

17 A. She just make a false accusation and
18 say, "Oh, you try to lock the door on me." I said,
19 "No, ma'am. I try to stop the customer walking in
20 and seeing what you did to us. It's not
21 professional."

22 BY MR. HOANG:

23 Q. Did she do anything besides that? Did
24 she call anybody?

25 A. She went -- when she left the store,

1 she reached for her phone and she called whoever on
2 the phone, I don't know, but she said, "Girl, she
3 tried to lock the door on me," and she's laughing.
4 And to me, I just feel like she -- she enjoyed to
5 do that to me. And she in power of me, that she
6 think she can do anything and I just feel like I'm
7 in a panic mode and she has no sympathy for me, by
8 doing that.

9 Q. Did you stop her from leaving?

10 A. No, I did not.

11 Q. Did you close the door in her face when
12 she was leaving?

13 A. No, I did not.

14 Q. So she was smiling and talking on the
15 phone while she was leaving the store, correct?

16 MR. SPAHT:

17 Objection. Leading.

18 A. When she went outside.

19 BY MR. HOANG:

20 Q. You've mentioned that Ms. Margaret
21 Keller has inspected your store at least twice a
22 year from the time you opened until the time of the
23 inspection; is that correct?

24 A. Yes.

25 Q. On the day of the inspection, how did

1 she inspect your store on the date of the
2 inspection, on May 1, 2012, differently from the
3 time that she inspected prior to that?

4 A. Like she on a mission. She come in
5 aggressively, not introduce herself as a
6 professional inspection, that she need to introduce
7 herself. And she take her time. She just very
8 aggressive and she -- I think she already have a
9 mission in her head. Let's just go straight to my
10 supply room. And then she started a commotion in
11 the room without knowledge to me. She didn't have
12 to ask me for permission to do anything like that.
13 She just -- she just feel like she's power. She
14 just do whatever she wants at that time. And made
15 me feel helpless.

16 Q. How long was she in the store for the
17 entire duration of the inspection on May 1, 2012?

18 A. I think at least 30 minutes. It might
19 be more than that, but I know at least 30 minutes.

20 Q. What about -- how long was the duration
21 for a regular inspection prior to May 1, 2012?

22 A. She don't take that long. She don't
23 take that long. She go through quick and then she
24 point out stuff and we try to cooperate. So it
25 takes -- it definitely takes shorter.

1 Q. So is it fair to say that it's less
2 than --

3 A. Less than the time that she violate
4 (sic) me the last time that she was there.

5 MR. SPAHT:

6 Can we take a short break?

7 MR. HOANG:

8 Sure, Paul.

9 (A short recess was taken.)

10 BY MR. HOANG:

11 Q. Ms. Hoang, you submitted to the counsel
12 on both sides your tax returns for 2010 to 2013 or
13 '12?

14 MR. SPAHT:

15 2012.

16 BY MR. HOANG:

17 Q. To 2012; is that correct?

18 A. Yes. Yes.

19 Q. And you stated you opened around 2010,
20 is when you -- approximately, is when you opened
21 your store; is that correct?

22 A. Yes.

23 Q. Can you direct -- can you maybe
24 estimate or look at your records and tell me how
25 much you made in 2010?

1 A. (Through interpreter) It's the last
2 number on the page. It's the last number.

3 A. 53,000 to 50 -- I guess gross income is
4 50,000.

5 Q. And in 2011 you also had the Aloha
6 Nails Salon #2; is that correct?

7 A. Yes.

8 Q. Can you identify for the record how
9 much you made?

10 A. For the gross income is \$146,000.

11 Q. What about the total income?

12 A. Total income is \$150,191.

13 Q. All right. And for 2012, can you tell
14 the record how much you made in your adjusted gross
15 income?

16 A. \$41,022, and the total income is
17 \$44,765.

18 Q. And is it true again that on the year
19 of the inspection, May 5, 2012, you had to close --
20 you had to -- on the year of the inspection, May 1,
21 2012, did you suffer any economic losses as a
22 result of the inspection?

23 MR. HILBURN:

24 Object to the form.

25 A. Yes, because I don't have any employee

1 because they're afraid that if they come get
2 inspection again, then -- like I say, they try to
3 target the Vietnamese. So the people, they're
4 scared that she'll come back and this girl will
5 give them a hard time if they're working for my
6 nail salon.

7 BY MR. HOANG:

8 Q. So is it fair to say after the
9 inspection on May 1, 2012, that you really didn't
10 hire any new manicurists?

11 A. Yes, because of that, because people --
12 you know, the Vietnamese community is not big, so
13 people can spread the word around.

14 Q. And what happens when you have less
15 people working for you?

16 A. I lost a lot of income and I go through
17 a lot of stress and anxiety. So it just forced me
18 that -- I have to sell my business, and I lost a
19 lot of money because of that.

20 Q. Besides economic damages, what other
21 damages or injuries have you sustained as a result
22 of May 1, 2012?

23 A. I just lost a lot of sleep and I go
24 through anxiety and stress, that I have to go daily
25 basis to go to work and worry. I don't know what's

1 next, what they're going to do next to my nail
2 salon.

3 Q. How was your relationship with your
4 husband prior to May 1, 2012?

5 A. Because I lost a lot of sleep and we
6 lost a lot of income, so we all deal a lot and we
7 not happy, because what I go through, that I just
8 have to put him through, you know.

9 Q. What about your kids?

10 A. My kids, yes. I get grouchy easily
11 with them, and I just feel it's not fair for me to
12 do that to them.

13 Q. After you sold your store around
14 September/October, did you have any other income?

15 A. No. I don't go to work after that
16 because I just -- I love what I do, but now I can't
17 do what I'm supposed to. So I just go through a
18 lot of hard times, you know, after that.

19 Q. So can you tell me why you think there
20 was a drop in 2011 from your gross -- from your
21 total income of \$150,191 in 2011? Why was there a
22 drop of over \$100,000 in 2012 to only 44,765 in
23 your total income for 2012?

24 MR. HILBURN:

25 I object to the form.

1 A. Because of the --

2 MR. HOANG:

3 Why? What form?

4 MR. HILBURN:

5 She's not an expert.

6 MR. HOANG:

7 I'm asking her for her
8 personal opinion.

9 MR. HILBURN:

10 And that's why I have a
11 problem with her expressing an opinion. She's not
12 an expert. But subject to the objection, she can
13 answer.

14 A. (Continuing) Because I didn't have the
15 employee work for me after that violation. So
16 that's why I can't make the money like I'm supposed
17 to. And usually summer, that's when they get busy
18 and the holiday.

19 BY MR. HOANG:

20 Q. So in 2011, how many manicurists do you
21 think you had at the peak of your year in 2011?

22 A. (Through interpreter) At least six to
23 seven -- five to six people.

24 A. Five to six employees.

25 A. (Through interpreter) Five to six

1 employees.

2 MR. SPAHT:

3 I'm sorry. Five or six
4 manicurists?

5 MR. HOANG:

6 She said employees.

7 INTERPRETER:

8 Employees.

9 MR. SPAHT:

10 Five or six employees?

11 THE WITNESS:

12 Yes. It depends on how
13 busy the season we get. But most of the time, the
14 season, we get busy, because in the summer people
15 start to travel and go out a lot. That's when the
16 busiest month, is holiday and summer and
17 Thanksgiving.

18 BY MR. HOANG:

19 Q. So you're saying regularly, normally,
20 your peak hour and your peak season is during the
21 summer, correct?

22 A. Yes.

23 Q. And during 2012 -- the inspection
24 occurred on May 1, 2012, which is start of --

25 A. Summer.

1 Q. -- summer; is that correct?

2 A. Yes.

3 Q. And for a normal year -- for a normal
4 week for a nail salon, what are the busiest days
5 for nail salons?

6 A. It starts from Thursday through
7 Saturday.

8 Q. And from your knowledge, when do these
9 inspectors usually come?

10 A. They come on the weekend, most of the
11 time.

12 Q. And when they come on the weekends like
13 this, what happens?

14 A. They -- when they come on the weekend
15 like that, they interrupt us performing our job and
16 usually customers get annoyed and they just left.
17 And most of the time we lost the income because of
18 that.

19 Q. And that's why you disagree with why
20 people should not be inspected on Sundays, correct?

21 A. Definitely not.

22 Q. Because Sunday, is it fair to say, is
23 one of the busiest, if not the busiest day in the
24 week?

25 A. Yes, because most of the time people go

1 on the weekend, when they're not working, you know.

2 Q. And even if there was no notice of
3 violation, you will lose business when an inspector
4 comes in for an inspection; is that correct?

5 A. Yes, definitely.

6 Q. And you stated earlier that there's a
7 nearby hair salon named Lyons Den that's close by
8 to Aloha Nails; is that correct?

9 A. Yes.

10 Q. And what is your assessment, in terms
11 of the frequency of the inspection, versus your
12 nail salon?

13 A. They come less than mine, definitely,
14 that I can tell, the way she said.

15 Q. And is Lyons Den Hair Salon completely
16 run, owned by non-Asians and non-Vietnamese?

17 A. Yes.

18 Q. What ethnicity do you think they are?

19 A. White American.

20 Q. I have a few more questions, and I
21 think I'll be done. On all of the notices of
22 deposition, Exhibit #1, Exhibit -- Exhibit #1,
23 Exhibit #2, Exhibit #3, Exhibit #4, Exhibit #5,
24 Exhibit #6, #7, #8 and #9, who is written as the
25 owner of Aloha Nails #2?

1 A. Hanh Hoang.

2 Q. And the notices that you received is
3 from who?

4 A. From Mr. Young.

5 Q. From what organization, what agency?

6 A. State Board of Louisiana.

7 Q. Have they ever sent anything with the
8 name Vincent Nguyen?

9 A. No.

10 Q. One last question, why do you think --
11 why do you think you were inspected on May 1, 2012
12 the way that you were inspected?

13 MR. HILBURN:

14 Object to the form.

15 MR. SPAHT:

16 Asked and answered.

17 MR. HOANG:

18 Asked and answered by who?

19 MR. SPAHT:

20 Asked and answered by this
21 witness right here.

22 MR. HOANG:

23 With my questioning or your
24 questioning?

25 MR. SPAHT:

1 With my questioning.

2 BY MR. HOANG:

3 Q. You can answer.

4 THE INTERPRETER:

5 Can you repeat the

6 question?

7 BY MR. HOANG:

8 Q. Why do you think you were inspected on
9 May 1, 2012?

10 MR. SPAHT:

11 Same objection.

12 A. So she have a mission to come and
13 target me.

14 A. (Through interpreter) That's because
15 she heard that -- she heard that the Vietnamese are
16 easy to take advantage of and she heard that I have
17 something for her to do the inspection, that she
18 could find violations. And it's just that she came
19 regularly without finding any violations, and she
20 also thought that I was -- I would easily be taken,
21 as other Vietnamese, when she came. So she thought
22 I would just -- she thought I would easily be taken
23 as other Vietnamese.

24 MR. HOANG:

25 Okay. That's all I have.

1 RE-EXAMINATION

2 BY MR. SPAHT:

3 Q. I'm showing you your 2012 tax return
4 that you previously produced and brought with you
5 here again today, and if we look at Form 4797 of
6 that return, it indicates that the equipment was
7 acquired on February 3, 2009 and sold on
8 September 1, 2012, correct?

9 A. Yes, sir.

10 Q. And so it doesn't talk about the store
11 being sold, but I'm assuming that the sale of the
12 store was also on September 1, 2012?

13 A. I sell the store and the equipment and
14 everything in the store.

15 Q. At the same time?

16 A. Yes.

17 Q. To the same person?

18 A. Yes.

19 Q. And was the total sales price \$30,000?

20 A. Yes. Now I look at it, then I see for
21 sure, but I don't remember, you know, before.

22 Q. And we also see, in the 2012 tax
23 return, a Schedule C, which is called Profit or
24 Loss From Business, correct?

25 A. Yes, sir.

1 Q. And we see that the net profit, on Line
2 31, during 2012, from your business Aloha Nails #2,
3 was \$52,996, correct?

4 A. Yes.

5 Q. And then if we look at your tax return
6 for 2011, Schedule C, the net profit from Aloha
7 Nails #2 was \$52,954; is that correct?

8 A. Yes.

9 Q. And so the difference between those two
10 numbers is approximately -- well, it's less than
11 \$50, correct?

12 A. Yes, sir.

13 Q. And, in fact, your profit from 2012 was
14 about \$50 more than from 2011, correct?

15 A. For that particular profit, but for the
16 total, it's all that we lost in a different, you
17 know.

18 Q. For Aloha Nails #2, you made more money
19 during 2012 --

20 MR. HOANG:

21 Objection to the form of
22 the question. You're not an economist.

23 MR. SPAHT:

24 Thomas, if you're going to
25 ask your questions, I'm going to follow up.

1 MR. HOANG:

2 And I'll object.

3 BY MR. SPAHT:

4 Q. Is it not true that the tax returns
5 show that for the year 2012, you made more money
6 off of Aloha Nails #2 during 2012 than during 2011?

7 MR. HOANG:

8 I object to lack of
9 foundation. You're not an economist.

10 A. No, not really.

11 MR. HOANG:

12 And you're not an
13 economist.

14 BY MR. SPAHT:

15 Q. Well, you say not really. We looked at
16 the numbers. The number for 2012 was 52,996 --

17 A. Yeah, but for the --

18 Q. And let me finish. And the number for
19 2011 was 52,954, correct?

20 A. Yes, sir, that's what it show. But for
21 a whole year, it would be different. If I didn't
22 to go through that, then I didn't have to sell my
23 business. You know, then it would be a different
24 outcome.

25 MR. HOANG: Any more?

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

THOA T. NGUYEN, ET AL.

Plaintiffs;

Civil Case No.: 3:14-CV-00080-BAJ-RLB

Versus

JUDGE: BRIAN A. JACKSON

LOUISIANA STATE BOARD OF
COSMETOLOGY, ET AL.

Defendants.

MAGISTRATE: RICHARD A. BOURGEOIS, JR.

PLAINTIFF'S, HANH HOANG D/B/A ALOHA NAIL 2,
RESPONSES TO REQUESTS FOR ADMISSION,
INTERROGATORIES, AND REQUESTS FOR PRODUCTION

PLAINTIFF'S RESPONSE TO REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that on or about May 1, 2012, waxing was being conducted at Aloha Nails #2.

Responses: Denied.

REQUEST FOR ADMISSION NO. 2:

Admit that on or about May 1, 2012, waxing equipment was present at Aloha Nails #2.

Responses: Admit only in part that waxing equipment was present.

REQUEST FOR ADMISSION NO. 3:

Admit that on or about May 1, 2012, at least one unlicensed individual was operating as a manicurist at Aloha Nails #2.

Responses: Denied. The unlicensed individual was only cleaning nail equipment/spa table.

REQUEST FOR ADMISSION NO. 4:

Admit that or about May 1, 2012, an unlicensed individual was working as a manicurist at Aloha Nails #2, using the license of another individual, Pham Nguyen Thi Thuy, to do so.

Responses: Denied.

REQUEST FOR ADMISSION NO. 5:

Admit that on or about May 1, 2012, you locked the door and would not let the inspector, Keller, leave the premises.

Responses: Objection. This discovery request as phrased is argumentative. It requires the adoption of an assumption, which is improper. Without waiving any objections, Plaintiff answers as follows:

Denied. I locked the doors so my clients would not come in and disrupt the inspection.



REQUEST FOR ADMISSION NO. 6:

Admit that on or about May 1, 2012, Keller inspected the shop or business owned by Hanh Hoang located at 11445 Coursey Blvd., Suite P, Baton Rouge, Louisiana 70816.

Responses: Admit only in part that Keller inspected the shop.

REQUEST FOR ADMISSION NO. 7:

Admit that a true and correct copy of Inspection Report No. 203944 pertaining to the inspection of your shop or business on or about May 1, 2012, is attached hereto and identified as Hanh Hoang # 1.

Responses: Admit only that there was an inspection report made. But I cannot truthfully admit or deny the remaining matters set forth in this request because I do not fully remember the all the documents. Without waiving any objections, I answer as follows:

An inspection report was written by the inspector.

REQUEST FOR ADMISSION NO. 8:

Admit that a copy of the Inspection Report No. 203944 was provided to you at the time of the inspection made on or about May 1, 2012, and you signed same on May 1, 2012.

Responses: Admit only in part that I was given a report and I signed my name.

REQUEST FOR ADMISSION NO. 9:

Admit that Notice of Violation Nos. 37838, 37840, 37841, and 37842 were provided to you at the time of the inspection made on or about May 1, 2012, and you signed same on May 1, 2012.

Responses: Admit only in part that I did receive some notice of violation, But I cannot truthfully admit or deny the remaining matters set forth in this request because I do not fully remember all the documents since they are not in front of me. Without waiving any objections, I answer as follows:

I do not remember how many, when I received them, or how many I signed.

REQUEST FOR ADMISSION NO. 10:

Admit that true and correct copies of Notice of Violation Nos. 37838, 37840, 37841, and 37842 are attached hereto and identified as Hanh Hoang #2-A, #2-B, #2-C, and #2-D.

Responses: Admit only in part that I did receive some notice of violation, But I cannot truthfully admit or deny the remaining matters set forth in this request because I do not fully remember all the documents since they are not in front of me. Without waiving any objections, I answer as follows:

I do not remember how many, when I received them, or how many I signed.

REQUEST FOR ADMISSION NO. 11:

Admit that on or about July 3, 2012, letters from the LSBC were sent to you via certified mail, return receipt requested, informing that the LSBC had received Inspection Report No. 203944 and Notice of Violation Nos. 37838, 37840, 37841, and 37842, which letters enclosed such report and notices, all as more fully shown by such letters and attachments which are attached hereto and identified as Hanh Hoang #3-A and #3-B.

Responses: Admit only in part that I did receive some notice of violation, But I cannot truthfully admit or deny the remaining matters set forth in this request because I do not fully remember all the documents since they are not in front of me. Without waiving any objections, I answer as follows:

I do not remember how many, when I received them, or how many I signed.

REQUEST FOR ADMISSION NO. 12:

Admit that the letters dated July 3, 2012, attached as Hanh Hoang #3-A and #3-B, gave you an opportunity to show compliance with all lawful requirements.

Responses: Admit only in part that I did receive some letters from the LSBC, But I cannot truthfully admit or deny the remaining matters set forth in this request because I do not fully remember all the documents since they are not in front of me. Without waiving any objections, I answer as follows:

I do not remember how many or when I received them.

REQUEST FOR ADMISSION NO. 13:

Admit that you failed to respond in writing to the letters dated July 3, 2012.

Responses: Denied. I sold the store so I didn't go.

REQUEST FOR ADMISSION NO. 14:

Admit that on or about September 26, 2012, the LSBC issued certified letters notifying you that the LSBC would hold an administrative hearing on December 3, 2012, at its offices, which letters attached a Notice to Show Cause Why License Should Not Be Suspended Or Revoked and Administrative Complaints to Hanh Hoang d/b/a Aloha Nails #2 and Hanh Hoang, all as more fully shown by true and correct copies of such letters and notices which are attached hereto and identified as Hanh Hoang #4-A and #4-B.

Responses: Admit only in part that I did receive some letters from the LSBC about an administrative hearing. But I cannot truthfully admit or deny the remaining matters set forth in this request because I do not fully remember all the documents since they are not in front of me. Without waiving any objections, I answer as follows:

I received some kind of notice for a hearing.

REQUEST FOR ADMISSION NO. 15:

Admit that Hanh Hoang (Manicurist License No. *****1412) entered into a Consent Agreement with the LSBC, all as more fully shown such Consent Agreement which is attached hereto and identified as Hanh Hoang #5.

Responses: Admit only in part that I signed something because I "needed" to pay for my penalty so that the new owner could open their business.

REQUEST FOR ADMISSION NO. 16:

Admit that Hanh Hoang (Manicurist License No. *****1412-1) individually, as owner of and doing business as Aloha Nails# 2, 11445 Coursey Blvd., Suite P, Baton Rouge, Louisiana 70816 entered into a Consent Agreement with the LSBC, all as more fully shown such Consent Agreement which is attached hereto and identified as Hanh Hoang #6.

Responses: Admit only in part that I signed something because I "needed" to pay for my penalty so that the new owner could open their business.

PLAINTIFF'S RESPONSES TO REQUEST FOR INTERROGATORIES

INTERROGATORY NO. 1:

If you deny in whole or in part any request for admission, please explain in detail the basis for your denial.

Responses: See responses in "Plaintiff's Responses to Request for Admissions" section above.

INTERROGATORY NO. 2:

Identify all inspections by LSBC inspectors of Aloha Nails #2 since its opening (other than the inspection made on or about May 1, 2012, which you identify in your complaint).

Responses: Objection. The information sought in this discovery request is equally available to the propounding party. The LSBC and its inspectors should have all the inspection records. Without waiving any objections, I answer as follows:

I do not remember exactly.

INTERROGATORY NO. 3:

Identify all operators working at Aloha Nails #2 on May 1, 2012.

Responses:

Tuyet: she is a clean up lady

Thuy Thi Nguyen

Another employee but I forgot her name.

INTERROGATORY NO. 4:

Identify all persons who were present during the inspection at Aloha Nails #2 on or about May 1, 2012.

Responses:

Tuyet.

Thoa who is a friend of Tuyet, and also her driver.

Myself.

One customer.

INTERROGATORY NO. 5:

Identify and describe in detail any and all evidence which supports your contention that inspections of your store "were made predominately, if not solely, because she is Vietnamese." as you allege in paragraph 8 of your complaint. (R. Doc. 1 at 9).

Responses: I know that non-Asian-owned salons down the street have inspections too but the inspectors do not treat them the way I was treated. Lyon's Den Hair Studio does not get discriminatory inspections like my salon.

INTERROGATORY NO. 6:

Identify and describe in detail any and all evidence that Cangelosi was involved in the inspection at Aloha Nails #2 on or about May 1, 2012, including any evidence that Cangelosi allegedly targeted Aloha Nails #2 for inspection on such date (or on any other date).

Responses: I believe she is involved because she allows the inspector to come to my store constantly for inspection, which is more than once a year. In the beginning when I met the inspector, Mrs. Margaret, said she loved everything about my store. She complimented about my TV and how clean my store was, etc. She said to me during my first inspection "If you take care of me, I'll take care of

you.” I think she wanted me to bribe her. I refused. When she continually came to my store, I ask her if she liked my store so much why does she keep coming back to inspect it Afterwards she became more aggressive in her inspections and treated my store like it was her own. I had to shut down my store because I couldn't take it anymore. See Plaintiff's Complaint.

INTERROGATORY NO.7:

Identify and describe in detail any and all evidence that Cangelosi was involved in any way with you or Aloha Nails #2 on or before May 1, 2012.

Responses: See responses to Interrogatory No. 6.

INTERROGATORY NO. 8:

Identify Dana Nguyen. Include in your response whether you and Dana Nguyen are the same person and, if not, whether you have ever used the name "Dana Nguyen."

Responses: Dana Nguyen is my name also since I am married to Vincent Nguyen. It is my maiden name. I use it for my childrens' school document since I am married.

INTERROGATORY NO. 9:

Itemize and describe in detail all damages that you contend you have suffered as a result of the alleged wrongful conduct by the defendants.

Responses: It was a tremendously stressful time during this ordeal. I felt humiliated because she did it in front of clients. She cannot just come and go in my shop as she please like they are the owner. She was disrespectful, loud, and rude. She made false accusations in their inspection reports because items found in the storage room does not mean it is in use. She laughed while she was there and in the parking lot after she left my store. I couldn't continue as a nail salon owner due to the stress of having to go through this again. I lost money during the inspection time and also lost money from my closed business due to the violations.

INTERROGATORY NO. 10:

In paragraph 9 of your complaint, you allege that you sold your salon business "to escape from LSBC inspector's harassment and discrimination." (R. Doc. 1 at 9). Describe in detail any damages which you contend you suffered as a result of your sale of your business.

Responses: Mental anguish and stress. I lost ability to concentrate on this occupation as a nail salon owner. Too much stress and headache even after I tried to sell the business. They were still harassing me when I wanted to sell my business. I just do not have time and energy trying to fight and argue with them. After the selling of the business, I was still harassed because LSBC would not issue a new permit to the new owners because they claimed that I had previous violations. This made the transfer of my legitimate business to a completely unrelated owner a complete nightmare. LSBC made it hard for me to transfer to business simply because the new owner and I had Asian-sounding names. That is clear-cut discriminatory.

INTERROGATORY NO. 11:

In paragraph 9 of your complaint, you allege that you have suffered substantial loss of profits since the inspection. (R. Doc. 1 at ii9). Describe in detail this alleged loss of profits.

Responses: After that particular week of the incident, my employees quit. I had a new trainee that was in training during that week and they quit. I was the only worker at my salon after the incident took place. It was hard to find new employees to work at my salon. My profits decreased due to no workers, business was at a minimum operation due to only myself working, and I lost substantial profit. I believe my lost was tripled due to the incident.

INTERROGATORY NO. 12:

From the opening of your store until its sale, state the weekly and monthly number of patrons who

came to Aloha Nails #2 for nail and/or skin services.

Responses: On Saturday alone my clients were between 30-50. On weekdays, my clients were about 30 per day.

INTERROGATORY NO. 13:

From the opening of your store until its sale, state the weekly and monthly profits generated.

Responses: My profit is around \$2,000-\$3000 a week after I pay all my employees and business expenses.

INTERROGATORY NO. 14:

For each month since its opening, state the gross monthly revenues of Aloha Nails #2.

Responses: My profit is around \$2,000-\$3000 a week after I pay all my employees and business expenses.

INTERROGATORY NO. 15:

Identify and describe in detail any and all evidence that Cangelosi "is responsible for the implementation of the discriminatory structure of the Board meetings and hearings," as you allege in if 27 of your complaint. (R. Doc. 1 at if 27; R. Doc. 44 at p. 7).

Response: Since her time as complaint counsel for the Board, there has been a spike in violation inspections against Asian, especially Vietnamese salons. My salon is one of them. She does not follow any proper administrative rules. The Board basically follows all her suggestions and recommendation even though she is only a complaint counsel.

INTERROGATORY NO. 16:

Identify and describe in detail any and all evidence that Cangelosi "repeatedly exceeded her authority by making unilateral decisions without first asking for the Board's collective vote," as you allege in if 27 of your amended complaint. (R. Doc. 44 at p. 7).

Responses: I cannot truthfully answer the question set forth in this request because I do not have full knowledge of these matters. Without waiving any objections, I answer as follows:
I was not at that hearing. See response to Interrogatory No. 15.

INTERROGATORY NO. 17:

Identify all incidents (other than the alleged incident involving plaintiff Mai Nguyen for Nu Nail described in the complaint) in which the secretary or clerk of Cangelosi was allegedly "only asked to target Vietnamese- and Asian-owned salons owners," as you allege in if 27 of your amended complaint. (R. Doc. 44 at p. 8).

Responses: I believed that she target my store because when I just opened my nail shop for business, she was there and introduced herself as an inspector and she was nice to me. She insinuated that if I take care of her, that she would take care of me. She came back at least twice a year or maybe more times to inspect my store. Her attitude totally changed after her first visit to my salon. I believed that because I ignored her remarks about her taking care of me if I take care of her. I think she was trying to get me to bribe her.

INTERROGATORY NO. 18:

Identify all proceedings or hearings where "Ms. Cangelosi would repeatedly exclaim the same phrase multiple times to the Plaintiff class, 'This is America, you need to speak English and follow our rules!'," as you allege in 27 of your amended complaint. (R. Doc. 44 at p. 8).

Responses: I cannot truthfully answer the question set forth in this request because I do not have full knowledge of these matters. Without waiving any objections, I answer as follows:

I was not present to witness that exact moment.

INTERROGATORY NO. 19:

Identify and describe in detail any and all evidence that Cangelosi allegedly "colluded with Ms. Sherrie Stockstill, Margaret Keller, and other close-by inspectors near the Baton Rouge district, to arbitrarily target these Asian and Vietnamese-salon owners for minor violators," as you allege in 27 of your amended complaint. (R. Doc. 44 at p. 8).

Responses: I feel that we were targeted for inspection. Other non-Asian-owned salons near my area were opened for business for approximately 1-2 years and there was hardly any inspection by the State Board.

INTERROGATORY NO. 20:

Identify the "other close-by inspectors near the Baton Rouge district" with whom Cangelosi allegedly "colluded," as you allege in 27 of your amended complaint. (R. Doc. 44 at p. 8).

Responses: I feel that we were targeted for inspection. Other non-Asian-owned salons near my area were opened for business for approximately 1-2 years and there was hardly any inspection by the State Board. I heard other regions were also being affected by similar inspections.

INTERROGATORY NO. 21:

Identify any expert witness whom you will or may call at the trial of this matter, and provide a brief statement of his opinion and factual basis therefore.

Response: Objection. The interrogatory seeks premature disclosure of expert opinion. The interrogatory also seeks attorney work-product. Plaintiff has not decided on which, if any, expert witnesses may be called at trial; insofar as this interrogatory seeks to ascertain the identity, writings, and opinions of the plaintiff's experts who have been retained or utilized to date solely as an advisor or consultant, it is violative of the work-product privilege. Without waiving any objections, I answer as follows:

We may call a forensic psychiatrist as an expert witness. In addition, we will also call a Vietnamese/Asian linguist expert witness to identify the Vietnamese/Asian names found on LSBC Board minutes and other violation documents.

INTERROGATORY NO. 22:

Identify any non-expert witness whom you will or may call at the trial of this matter, and briefly state all pertinent facts which you believe are known by each such witness.

Responses:

1. Vincent Nguyen (husband). He knows that I was really stressed out during this event.
2. Tuyet Pham. She wanted to be tested in Viet language but was denied by the examiner. When she did take the test, she was bribed by the examiner who said that she can give her the answers.
3. Michelle (Cindy Nails) 2212 N. Sherwood Forest Blvd., Baton Rouge, LA 70815. She is a nail salon owner. The inspector, Margaret, came in on Sunday and inspected her shop.

INTERROGATORY NO. 23:

Identify all exhibits that you will or may introduce at the trial of this matter.

Responses: See Exhibit 1: Tax Returns 2012-2014. Financial records related to the violation fines and loss profits. I will supplement in the future.

INTERROGATORY NO. 24:

If you claim or contend that Cangelosi, or anyone on behalf of Cangelosi, made any statement or admission at any time of relevance to the subject claim, please identify and describe any such statement or admission in detail.

Response: Objection. I cannot truthfully answer the question set forth in this request because I do not have full knowledge of these matters.

See Plaintiff's Complaint and Amended Complaint

INTERROGATORY NO. 25:

Other than the instant proceeding, please identify all judicial proceedings to which you and/or Aloha Nails #2 have been a party, whether criminal or civil, including the name and number of the proceeding, the court in which it was or is pending, and the outcome if it is no longer pending.

Responses: None. Only this discrimination lawsuit.

PLAINTIFF'S RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

All documents that pertain or relate to the inspection made on or about May 1, 2012, at Aloha Nails #2.

Response: Objection. The information sought in this discovery request is equally available to the propounding party. The LSBC has all of the inspection documents of their employees in their records. Without waiving any objections, I answer as follows:

The LSBC should have all the inspections on their record. I will send in my violation payments. If more become available, I will supplement in the future.

REQUEST FOR PRODUCTION NO. 2:

Documents showing the names, addresses, telephone numbers, and contact information of all persons working at Aloha Nails #2 on May 1, 2012.

Responses: See responses to Interrogatories. I will supplement the background information for employees and witnesses in the future.

REQUEST FOR PRODUCTION NO. 3:

All documents which support your contention that you were supposedly "targeted for inspection because of your race," as you allege in if 8 of your complaint and amended complaint. (R. Doc. 1 at if 8; R. Doc. 44 at p. 7).

Responses: Not in possession, but I will speak with other nearby nail salons about the inspections by the LSBC. I know they were not inspected with such frequency or harassment as my salon or nearby Vietnamese-owned salons.

In addition, almost all of the alleged violators at the Rule to Show Cause hearings were either Asian or Vietnamese. Not even one single person was non-Vietnamese or Non-Asian. The LSBC Meeting Minutes will reflect that. Defendants already have possession of these documents. If more becomes available, I will supplement in the future.

REQUEST FOR PRODUCTION NO. 4:

All documents which support your contention that Cangelosi was involved in the inspection at Aloha Nails #2 on or about May 1, 2012, including any evidence that Cangelosi allegedly targeted Aloha Nails #2 for inspection on such date (or on any other date).

Response: Objection. The information sought in this discovery request is equally available to the propounding party. Without waiving any objections, I answer as follows:

She was the complaint counsel for the LSBC who decided to prosecute my case.

REQUEST FOR PRODUCTION NO. 5:

All documents which pertain or relate to any evidence that Cangelosi was involved in any way with you or Aloha Nails #2 on or before May 1, 2012.

Response: Objection. The information sought in this discovery request is equally available to the propounding party. Without waiving any objections, I answer as follows:

She was the complaint counsel for the LSBC who decided to prosecute my case.

REQUEST FOR PRODUCTION NO. 6:

All documents which support your contention that Cangelosi was involved with you or Aloha Nails #2 on or before May 1, 2012.

Response: Objection. The information sought in this discovery request is equally available to the propounding party. Without waiving any objections, I answer as follows:

She was the complaint counsel for the LSBC who decided to prosecute my case.

REQUEST FOR PRODUCTION NO. 7:

All documents which pertain or relate to any damages that you contend you have suffered as a result of the alleged wrongful conduct by the defendants.

Responses: See Exhibits 1: Tax Returns 2012.

REQUEST FOR PRODUCTION NO. 8:

All documents which pertain or relate to your allegation that you sold your salon business "to escape from LSBC inspector's harassment and discrimination." (R.Doc. 1 at 9).

Responses: See Exhibits.

REQUEST FOR PRODUCTION NO. 9:

All documents which show the weekly and monthly number of patrons who came to Aloha Nails #2 for nail and/or skin services from January 1, 2013, to the present.

Responses: I have my visa/payment transaction from my clients. I will supplement in the future.

REQUEST FOR PRODUCTION NO. 10:

All documents which pertain or relate to the gross monthly revenues of Aloha Nails #2 from its opening until its sale.

Responses: See Exhibits. I will supplement in the future.

REQUEST FOR PRODUCTION NO. 11:

All documents which pertain or relate to the profits of Aloha Nails #2 from its opening until its sale. Please include in your response documents showing the expenses of Aloha Nails #2 from its opening until its sale.

Responses: See Exhibits. I will supplement in the future.

REQUEST FOR PRODUCTION NO. 12:

All documents which pertain or relate to your allegation that Cangelosi "is responsible for the implementation of the discriminatory structure of the Board meetings and hearings," as you allege in ir 27 of your complaint and amended complaint. (R. Doc. 1 at ir 27; R. Doc. 44 at p. 7).

Responses: Objection. The information sought in this discovery request is equally available to the propounding party. Her emails and written correspondences with the Board members, employees, and inspectors can be found within the Board's exclusive control. Without waiving any objections, Plaintiff answers as follows:

Since her time as complaint counsel for the Board, there has been a spike in violation inspections against Asian, especially Vietnamese salons. My salon is one of them. The inspectors had to report to Steve Young and Cangelosi in order for them to send me the violation notices. She makes the final decision to bring the violation notices to the Board. Check her phone, emails, and text messages with the inspectors, especially Sherrie Stockstill. Plaintiff's counsel will propound discovery to seek such documents.

REQUEST FOR PRODUCTION NO. 13:

All documents which pertain or relate to your allegation that a secretary or clerk of Cangelosi was "only asked to target Vietnamese- and Asian-owned salons owners," as you allege in if 27 of your amended complaint. (R. Doc. 44 at p. 8).

Responses: Objection. The information sought in this discovery request is equally available to the propounding party. Her emails and written correspondences with her clerk or secretary are within Defendant Cangelosi's control. Plaintiff's counsel will propound discovery to seek such documents.

REQUEST FOR PRODUCTION NO. 14:

All documents which pertain or relate to your allegation that "Ms. Cangelosi would repeatedly exclaim the same phrase multiple times to the Plaintiff class, 'This is America, you need to speak English and follow our rules!'," as you allege in ir 27 of your amended complaint. (R. Doc. 44 at p. 8).

Responses: Check the hearing's transcript. I do not have those in my possession.

REQUEST FOR PRODUCTION NO. 15:

All documents which pertain or relate to your allegation that Cangelosi allegedly "colluded with Ms. Sherrie Stockstill, Margaret Keller, and other close-by inspectors near the Baton Rouge district, to arbitrarily target these Asian and Vietnamese-salon owners for minor violatoars," as you allege in if 27 of your amended complaint. (R. Doc. 44 at p. 8).

Responses: Objection. The information sought in this discovery request is equally available to the propounding party. Her emails and written correspondences with the Board members, employees, and inspectors can be found within the Board's exclusive control. Without waiving any objections, Plaintiff answers as follows:

Plaintiff's counsel will propound discovery to obtain those documents between Cangleosi and nearby inspectors.

REQUEST FOR PRODUCTION NO. 16:

All documents which pertain or relate to your allegation that "Ms. Cangelosi was specifically targeting Vietnamese and Asian-owned salon owners for alleged violations and treated Plaintiffs and their attorneys in a discriminatory manner during hearing proceedings," as you allege in if 27 of your amended complaint. (R. Doc. 44 at p. 8).

Responses: Objection. The information sought in this discovery request is equally available to the propounding party. Her emails and written correspondences with the Board members, employees, and inspectors can be found within the Board's exclusive control. Without waiving any objections, Plaintiff answers as follows:

Plaintiff's counsel will propound discovery to obtain those documents between Cangleosi, the LSBC Board Members, Steve Young, its employees, and inspectors.

REQUEST FOR PRODUCTION NO. 17:

All documents which pertain or relate to any communications between you and Cangelosi regarding or relating in any way to the allegations of your complaint.

Responses: N/A

REQUEST FOR PRODUCTION NO. 18:

All invoices, bills, checks, contracts, agreements, and any other document which relates to monies

or fees paid to any attorney which arise from or relate to the inspection on or about May 1, 2012, and/or the alleged violations made against you arising from such inspection.

Responses: I will supplement in the future.

REQUEST FOR PRODUCTION NO. 19:

All invoices, bills, checks, contracts, agreements, and any other document which relates to monies or fees paid to your attorneys in this matter for the matters at issue in this proceeding.

Responses: I will supplement in the future.

REQUEST FOR PRODUCTION NO. 20:

Your federal and state income tax returns from the opening of Aloha Nails #2 through the present.

Responses: See Exhibit 1.

REQUEST FOR PRODUCTION NO. 21:

Your financial statements from the opening of Aloha Nails #2 through the present.

Responses: See Exhibits.

REQUEST FOR PRODUCTION NO. 22:

Any document which allegedly establishes or shows the damages claimed by you in this matter..

Responses: See Exhibits.

REQUEST FOR PRODUCTION NO. 23:

The statement of any person who purports to have knowledge, whether direct or indirect, of any fact which is in any way germane or relevant to the issues involved in this case.

Responses: No written statements so far. I will supplement if we get them from the witnesses.

REQUEST FOR PRODUCTION NO. 24:

Copies of all pleadings from any other judicial proceedings, civil or criminal, in which you and/or Exotic Nails have been a party.

Responses: Objection. Irrelevant. Plaintiff's request is irrelevant to the subject matter of this case, and the information sought is not reasonably calculated to lead to the discovery of admissible evidence. In addition, this discovery request is so broad and unlimited as to time and scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with this request would be an undue burden and expense of the plaintiff. The request is calculated to annoy and harass plaintiff.

REQUEST FOR PRODUCTION NO. 25:

Any exhibit which you will or may use at the trial of the matter.

Responses: See Exhibits. I will supplement more in the future.

CERTIFICATE OF SERVICE

I do hereby certify that I have emailed a copy of the above and foregoing pleading on June 4, 2015 and mailed on all counsel of record herein by mailing same by United States Mail, properly addressed and first class postage prepaid, on June 4, 2015.

Respectfully Submitted:

/s/ Anh Cao

Anh Joseph Cao (La Bar No. 26836)
Ryan E. Beasley Sr. (La Bar No. 28492)
Cao Law Firm
2439 Manhattan Blvd.
Suite 302
Harvey, LA 70058
504.367.5001
504.684.1231 (facsimile)
acao@loyno.edu

INSPECTOR Margaret Keller INSPECTOR'S DISTRICT 6 DATE 5-1-12
 OF SHOP Aloha Nails #2 OWNER-CO'S. L-771933758
 OWNER Hoang, Hanh LICENSE NO. 99509715
 SHOP ADDRESS 11445 Coursey Blk. #P PHONE NO. 225 925-0185
 CITY Baton Rouge PARISH EBR STATE La ZIP 70816 TIME 1:30-2:00
 MANAGER'S NAME _____ COS.-MANAGER'S
 ASSISTANT MANAGER'S LICENSE NO. _____
 NAME (if required) _____ CO.-MANAGER'S
 LICENSE NO. _____
 OWNER'S 20 13 REG. CERT. WITH PICTURE Yes POSTED Yes
 YES OR NO
 MANAGER'S 20 _____ REG. CERT. WITH PICTURE _____ POSTED _____
 YES OR NO
 RE OPERATOR'S 20 13 REG. CERT. WITH PICTURE _____ POSTED Yes
 YES OR NO
 DOES SHOP HAVE "LA ADMINISTRATIVE CODE, TITLE 46, PART XXXI, COSMETOLOGISTS" ON PREMISES Yes
 YES OR NO
 DOES SHOP HAVE BLOOD SPILL KIT ON PREMISES Yes
 YES OR NO

MARK WITH A CHECK [✓] IF SATISFACTORY OR AN [X] IF UNSATISFACTORY

Sanitizers: Wet _____ Dry _____
 Soiled towels in covered container: _____
 Clean towels in enclosed cabinet: _____
 Covered waste containers: _____
 Shop well lighted _____ Well ventilated _____
 Shampoo bowl connected with hot/cold water _____
 Combs, brushes, rollers, implements, etc., clean and
 properly sterilized _____
 Wall, fixtures, work stations clean _____
 Shop clean and sanitary _____
 You find this shop clean, orderly and sanitary _____

MANICURING SALONS ONLY

Adequate ventilation ✓ Well lighted ✓
 Small manicuring sterilizer on each station ✓
 Disinfectant solution, alcohol, etc., on each station ✓
 All bottles labeled ✓
 All implements clean, properly sterilized, and stored ✓
 Cotton balls in covered containers ✓
 Covered waste containers ✓
 Clean towels in enclosed cabinet ✓
 Towels changed on manicure table after each client ✓
 Lavatory with hot ✓ cold ✓ water ✓
 Do you find this shop clean, orderly and sanitary ✓

TECHNICIAN OPERATOR'S NAMES AND CERTIFICATION NUMBERS:

Hoang, Hanh L-426860103
Pham-Nguyen, Huong L-89091112-

REMARKS: 1) Wrapping equipment & supplies was in the nail salon
at time of inspection
2) Unlicensed person working under Pham-Nguyen Huong
3) Shop Owner Hostile.

SIGNATURE OF SHOP OWNER OR MANAGER

WHITE - OFFICE COPY

CANARY - INSPECTOR COPY

PINK - SHOP COPY

EXHIBIT

3

State of Louisiana
Louisiana State Board of Cosmetology

(225) 756-3404

NOTICE OF VIOLATION

ISSUE DATE

MO. 5 DAY/ YR 2012

NAME OF LICENSEE/SHOP/SCHOOL OWNER Aloha Nails #12 - Haeng, Haeb

ADDRESS 11445 Courser Blvd. #9

LICENSE OR PERMIT # L-77193375B

VIOLATION Making equipment & supplies mess in the nail salon at time of inspection.

(Description - Include Code Reference If Possible)

DISPOSITION

Action Taken: (Check if Applicable)

- | | | | | | |
|-------------------|-------------------------------------|--------|--------------------------|----------------|--------------------------|
| 1. Warning | <input type="checkbox"/> | Amount | <input type="checkbox"/> | Date Rec'd | <input type="checkbox"/> |
| 2. Fine | <input type="checkbox"/> | | | | |
| 3. Administrative | <input checked="" type="checkbox"/> | Date | <input type="checkbox"/> | To be Notified | <input type="checkbox"/> |
| Hearing | <input type="checkbox"/> | | | | |

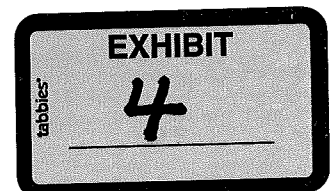
Margaret Kalla
INSPECTOR/INVESTIGATOR SIGNATURE

Received:

[Signature]

LICENSEE/SALON/SCHOOL REPRESENTATIVE SIGNATURE

DATE 5-1-12



Louisiana State Board of Cosmetology

(225) 756-3404

NOTICE OF VIOLATION

ISSUE DATE

MO. 5 DAY 1 YR. 2012

NAME OF LICENSEE/SHOP/SCHOOL OWNER

Aloha Nails - Haery, Hank

ADDRESS 11445 Coursey Blk. #9

LICENSE OR PERMIT # L-8909 1112

VIOLATION

Pham Nguyen Thu Thuy - Came to the office on 5-1-12 Stated that she is no longer working at this location and the Owner will not release her Manicure license.

(Description - Include Code Reference If Possible) See attach-

DISPOSITION

Action Taken: (Check if Applicable)

1. Warning

2. Fine

3. Administrative

Hearing

Amount

Date Rec'd

Date

To be Notified

Margit Kelle

INSPECTOR/INVESTIGATOR SIGNATURE

Received:

LISCENSEE/SALON/SCHOOL REPRESENTATIVE SIGNATURE

DATE 5-1-12

State of Louisiana

Louisiana State Board of Cosmetology

(225) 756-3404

NOTICE OF VIOLATION

ISSUE DATE

MO. 5 DAY 1 YR. 200

NAME OF LICENSEE/SHOP/SCHOOL OWNER Alpha Nails - Hong, Vinh

ADDRESS 11445 Courtyard Blv. #9

LICENSE OR PERMIT # L-89091112-Phon Nguyen, Thu Hong

VIOLATION When I walk in to inspect shop the owner gave me the license and one of them was working without on said license L-89091112. Did not have picture personal identification. The license she gave are the same license that were reported stolen on 5-1-12 at the office.

(Description-- Include Code Reference If Possible)

DISPOSITION

Action Taken: (Check if Applicable)

- | | | | | | |
|-------------------|-------------------------------------|--------|-------|----------------|-------|
| 1. Warning | <input type="checkbox"/> | Amount | _____ | Date Rec'd | _____ |
| 2. Fine | <input type="checkbox"/> | | | | |
| 3. Administrative | <input checked="" type="checkbox"/> | Date | _____ | To be Notified | _____ |
| Hearing | <input type="checkbox"/> | | | | |

Margaret Keller
INSPECTOR/INVESTIGATOR SIGNATURE

Received:

LICENSEE/SALON/SCHOOL REPRESENTATIVE SIGNATURE

DATE 5-1-12

State of Louisiana

Louisiana State Board of Cosmetology

(225) 756-3404

NOTICE OF VIOLATION

ISSUE DATE

MO. 5 DAY YR. 2012

NAME OF LICENSEE/SHOP/SCHOOL OWNER

Altha Nail-Hong, Hank

ADDRESS

11445 Coussey Blm. #9

LICENSE OR PERMIT #

L-771933758

VIOLATION

Note: Shop owner was very uncooperative and hostile. Shop owner lock the door to Nail Salon and would not let me out.

(Description - Include Code Reference If Possible)

DISPOSITION

Action Taken: (Check if Applicable)

1. Warning

+

2. Fine

-

Amount

Date Rec'd

3. Administrative

Hearing

-

Date

To be Notified

Margaret Kulla

INSPECTOR/INVESTIGATOR SIGNATURE

Received:



LICENSEE/SALON/SCHOOL REPRESENTATIVE SIGNATURE

DATE

5-1-12



State of Louisiana
 Louisiana State Board of Cosmetology
 11622 Sunbelt Court, Baton Rouge, LA 70809
 (225) 756-3404 Telephone - (225) 756-3410 Fax
 Web Address: www.lsboc.louisiana.gov

Bobby Jindal
 Governor

Frances K. Hand, Chairman
 Denham Springs LA

Taquilla F. Hamilton
 Harvey LA

Geneva L. Jones
 Benton LA

Carolyn L. Robicheaux
 Baldwin LA

Vivian L. Glaze, Vice Chairman
 Pineville LA

Michael Horning
 Franklinton, LA

Sarah Kennison
 Lake Charles, LA

Ira Weber
 Metairie, LA

Stephen Young
 Executive Director

Sept. 26, 2012

Hanh Hoang
 d/b/a Aloha Nails #2
 11445 Coursey Blvd., Suite P
 Baton Rouge, LA 70816

CERTIFIED MAIL 7012 1010 0003 5243 0379
 RETURN RECEIPT REQUESTED

Re: In The Matter Before the Louisiana State Board of Cosmetology; In The
 Matter of Hanh Hoang d/b/a Aloha Nails #2 (Docket No. 12-055)

Dear Ms. Hoang:

I wish to advise you that, pursuant to the provisions of LAC 46:XXX1.1301-1305 and La. R.S. 49:955, you are hereby notified that the Louisiana State Board of Cosmetology will hold an Administrative Hearing on December 3, 2012, at 9:00 o'clock a.m. at the office of Louisiana State Board of Cosmetology, 11622 Sunbelt Court, Baton Rouge, Louisiana 70809.

Enclosed please find the "Notice to Show Cause Why License Should Not Be Suspended or Revoked." The hearing will be held pursuant to the provisions of LAC 46:XXX1.1301-1305 and La. R.S. 49:961.

The purpose of the hearing is to consider testimony as to the allegations concerning your violations of statutes regulated by the Board. The specific allegations of misconduct are detailed in the enclosed Administrative Complaint.

We further advise you that these are serious charges and that you should consult an attorney.

If you feel that you will require the services of a language interpreter to participate in this hearing, please contact the Board's assistant executive director immediately.

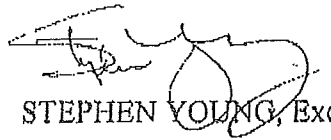


September 26, 2012
Page 2

If there are any questions regarding this matter, please contact the complaint counsel,
Celia R. Cangelosi, P.O. Box 3036, Baton Rouge, LA 70821-3036, (225) 387-0511.

Very truly yours,

LOUISIANA STATE BOARD OF
COSMETOLOGY



STEPHEN YOUNG, Executive Director

SY/tsc

Enclosures

cc: Celia R. Cangelosi, Complaint Counsel
Sheri Morris, General Counsel

BEFORE THE
LOUISIANA STATE BOARD OF COSMETOLOGY

----- :
IN THE MATTER OF :
HANH HOANG :
d/b/a ALOHA NAILS #2 :

(MANICURING SALON No. :
*****1412-1) :
----- :

DOCKET NO. 12- 055

NOTICE TO SHOW CAUSE WHY
LICENSE SHOULD NOT BE SUSPENDED OR REVOKED

In accordance with the provisions of the La R.S. 37:600 et seq., you are hereby notified to show cause before the Louisiana State Board of Cosmetology ("Board") on December 3, 2012, at 9:00 o'clock a.m., or such other time to which the hearing may be continued, at the office of the Louisiana State Board of Cosmetology, 11622 Sunbelt Court, Baton Rouge, Louisiana, why the license of HANH HOANG d/b/a ALOHA NAILS #2, as a manicuring salon in the State of Louisiana, should not be suspended or revoked, or other action taken in accordance with law, for the reasons as set forth in the attached Administrative Complaint.

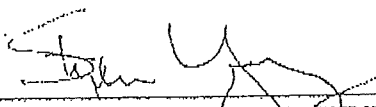
You are advised that you may appear in proper person or with counsel at this hearing which will be conducted under the provisions of La. R.S. 37:600 et seq.; La. R.S. 49:955 - 958; and LAC 46:XXX1.1301-1305. You or your counsel have the right to participate in this hearing and you may testify and may produce witnesses to testify in your behalf. Any

competent evidence you have in this matter may be offered by you or your counsel. A record of the testimony adduced will be made.

Please notify the Board as to whether you will attend the meeting and the name, address and telephone number of your legal counsel, if any. The Board's complaint counsel is listed below.

Baton Rouge, Louisiana, this 26 day of September, 2012.

LOUISIANA STATE BOARD OF COSMETOLOGY


STEPHEN YOUNG, EXECUTIVE DIRECTOR
Louisiana State Board of Cosmetology
11622 Sunbelt Court
Baton Rouge, Louisiana 70809

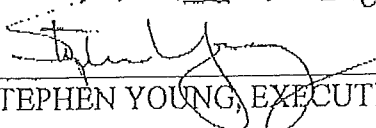
COMPLAINT COUNSEL:

CELIA R. CANGELOSI
918 Government St., Suite 101
P.O. Box 3036
Baton Rouge, LA 70821-3036
PHONE: (225) 387-0511

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing Notice To Show Cause Why License Should Not Be Suspended or Revoked and annexed Administrative Complaint has been served on the individual designated above by first class mail and by certified mail, return receipt requested No. 7012101000352430379

Baton Rouge, Louisiana, this 26 day of September, 2012.


STEPHEN YOUNG, EXECUTIVE DIRECTOR

CELIA R. CANGELOSI

ATTORNEY AT LAW

918 GOVERNMENT STREET, SUITE 101
(225) 387-0511

POST OFFICE BOX 3036
BATON ROUGE, LOUISIANA 70821-3036

October 12, 2012

Hanh Hoang d/b/a Aloha Nails #2
11445 Coursey Blvd., Suite P
Baton Rouge, LA 70816

Hanh Hoang
c/o Aloha Nails #2
11445 Coursey Blvd., Suite P
Baton Rouge, LA 70816

ATTN: Hanh Hoang, Owner

Re: Before the Louisiana State Board of Cosmetology; In the Matter of: (1) Hanh Hoang d/b/a Aloha Nails #2; Manicuring Salon No. *****1412-1; and (2) Hanh Hoang, Manicuring License No. *****1412

Dear Ms. Hoang:

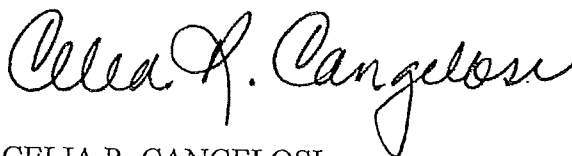
I enclose for your review and consideration two consent agreements, one for each matter referenced above. Should you desire to settle these matters without a formal hearing before the Louisiana State Board of Cosmetology, you may enter into Consent Agreements enclosed herein and pay the fines and costs totaling \$3,000.00 (\$1,550.00 for the Aloha Nails #2 consent agreement and \$1,450.00 for the Hanh Hoang consent agreement).

Please review the two enclosed Consent Agreements (one for the Aloha Nails #2 violation and the other for the Hanh Hoang violation) and, if you are agreeable to the terms and conditions as set forth therein, please return both Consent Agreements to me, signed on each page where indicated, along with a certified check or money order made payable to the Louisiana State Board of Cosmetology in the amount of \$3,000.00 (\$1,550.00 for the Aloha Nails #2 Consent Agreement and \$1,450.00 for the Hanh Hoang Consent Agreement).

This matter is set for hearing on December 3, 2012. You must be present on that date unless you enter the enclosed consent agreements and return them with payment by October 25, 2012. If timely received, the Consent Agreements will be presented to the Board for approval at its next meeting.

Enclosed is an envelope you may use to return the two Consent Agreements and payment to my office.

Very truly yours,



CELIA R. CANGELOSI

CRC/tsc
Enclosures



LOUISIANA STATE BOARD OF COSMETOLOGY

IN THE MATTER OF

HANH HOANG d/b/a
ALOHA NAILS #2
11445 Coursey Blvd., Suite P
Baton Rouge, LA 70815
(Manicuring Salon No. *****1412-1)

CONSENT AGREEMENT

CONSENT AGREEMENT

NOW COME HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, 11445 Coursey Blvd., Suite P, Baton Rouge, LA (Manicuring Salon No. *****1412-1), which manicuring salon is the license holder in the above styled and numbered matter; and the LOUISIANA STATE BOARD OF COSMETOLOGY (hereinafter "Board"), appearing through its Chairman, FRANCES K. HAND, who do respectfully submit the following:

1.

HANH HOANG owned ALOHA NAILS #2, the manicuring salon located at 11445 Coursey Blvd., Suite P, Baton Rouge, LA, which is and was, at all times material to the facts and matters alleged herein, licensed by the BOARD as a manicuring salon in the State of Louisiana, pursuant to the Louisiana Cosmetology Act, La. R.S. 37:561 et seq., as evidenced by Manicuring Salon No. *****1412-1.

2.

The Louisiana State Board of Cosmetology received Inspection Report No. 203944 and Notice of Violation Nos. 37838, 37840, 37841 and 37842, and began to investigate whether or not HANH HOANG d/b/a ALOHA NAILS #2 on or about May 1, 2012, had violated: (1) La. R.S. 37:600A(3), La. R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012.

3.

An informal hearing letter was mailed to HANH HOANG d/b/a ALOHA NAILS #2.

4.

Prior to the hearing on the formal charges, HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, admitted the violations and expressed a desire to enter into a Consent Agreement to settle this matter against the manicuring salon.

5.

The LOUISIANA STATE BOARD OF COSMETOLOGY and HANH HOANG, individually, and as owner of and doing business as ALOHA NAILS #2, enter into this

Consent Agreement, whereby HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, admits that the manicuring salon, ALOHA NAILS #2, violated: (1) La. R.S. 37:600A(3), La. R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012; the license of HANH HOANG d/b/a ALOHA NAILS #2 will be suspended for a period one year, the suspension will be suspended, and the license placed on probation for the one year period; and the Board assesses, and HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, agrees to pay and does pay, on behalf of ALOHA NAILS #2, a fine of \$800.00, reimburses the Board costs of \$350.00, and pays the annual probation fee of \$400.00, for total payment due the Board in the amount of \$1,500.00, said fine and costs to be paid simultaneously with the execution of this Consent Agreement by HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2.

6.

More specifically, the parties hereto agree to be bound under the following:

- a. HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, admits that the manicuring salon ALOHA NAILS #2 had violated:

(1) La. R.S. 37:600A(3), La. R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012;

- b. HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, agrees to pay and does pay, on behalf of ALOHA NAILS #2, a fine of \$800.00, reimburses the Board costs of \$350.00, and pays the annual probation fee of \$400.00, for total payment to the Board of \$1,500.00; and
- c. The license of HANH HOANG d/b/a ALOHA NAILS #2 (Manicuring Salon No. *****1412-1) is suspended for a period of one year, the suspension is suspended, and the license is placed on probation for the one year period subject to the following terms and conditions:
 - [1] ALOHA NAILS #2 must immediately cease and desist providing waxing services at the licensed location;
 - [2] Within fifteen (15) days after this Consent Agreement is approved by the Board, ALOHA NAILS #2 must provide the Board, in writing, with the name, address and Louisiana manicurist license number of each manicurist employed by or working at ALOHA NAILS #2;
 - [3] Thereafter, ALOHA NAILS #2 shall provide to the Board, in writing, the name, address and Louisiana manicurist license number of any other manicurist hired or contracted with or otherwise providing manicuring services at ALOHA NAILS #2 prior to the manicurist providing manicuring services at ALOHA NAILS #2;
 - [4] ALOHA NAILS #2 must provide to the Board, in writing, the name, address and Louisiana manicurist license number of any manicurist ceasing to perform manicuring services at ALOHA NAILS #2 within five (5) days of the date the manicurist ceases to perform manicuring services at ALOHA NAILS #2;
 - [5] No manicurist may provide manicuring services at ALOHA NAILS #2

unless written notice is provided to the Board as set forth herein;

[6] ALOHA NAILS #2 and/or HANH HOANG shall not violate or be found guilty of violating any state, local or federal laws or regulations, including but not limited to laws and regulations relating to manicurists and/or manicuring salons; and

[7] ALOHA NAILS #2 shall post a copy of this Consent Agreement in a conspicuous place near its manicuring salon license; and

d. Should ALOHA NAILS #2 and/or HANH HOANG violate the terms and conditions of probation, the one year license suspension may be instituted.

7.

HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, waives:

- (a) Any further procedural steps required by the Louisiana Administrative Procedure Act (La. R.S. 49:950 et seq.), Louisiana Cosmetology Law (La. R.S. 37:561 et seq.), and any other applicable laws; and
- (b) All rights to seek judicial review or otherwise challenge or contest the validity of this Consent Agreement, the charges and/or allegations contained herein, or the terms of the agreed settlement.

8.

Should HANH HOANG d/b/a ALOHA NAILS #2 fail to comply with the terms of this Agreement, its license shall be subject to revocation by the Board.

9.

HANH HOANG, owner, acting individually, as owner of and on behalf of ALOHA NAILS #2, acknowledges that she has fully read this Agreement and that she fully understands all the terms, conditions, dispositions and sanctions included herein. Moreover, HANH HOANG, owner, acting individually, as owner of and on behalf of ALOHA NAILS

#2, does further acknowledge that she does enter into this Agreement based on her full understanding and acceptance of all terms and conditions hereof as her free act and deed.

10.

Both parties waive compliance with La. R.S. 49:958.

11.

This agreement will become effective on the date that it is officially approved at a formal meeting of the Board.

I, HANH HOANG, owner, acting individually, as owner of and on behalf of ALOHA NAILS #2, understand that this Consent Agreement is effective upon affirmative vote by the Board at formal hearing. It is also understood that should the Board not approve the Consent Agreement, the agreement thereon does not preclude the Louisiana State Board of Cosmetology from requiring a formal hearing of the case. It is further understood that, should this Consent Agreement not be accepted by the Board, the presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board or any of its members from further participation in hearings or resolution of these proceedings.

WHEREFORE, the below signed parties agree that this agreement is binding on all parties hereto.

THIS DONE AND SIGNED, this ____ day of _____, 2012.

HANH HOANG d/b/a ALOHA NAILS #2
(Manicuring Salon No. *****1412-1)
11445 Coursey Blvd., Suite P
Baton Rouge, LA 70816

BY: HANH HOANG, Individually, as Owner of and
Doing Business As ALOHA NAILS #2

LOUISIANA STATE BOARD OF COSMETOLOGY

FRANCES K. HAND, Chairman

Approved and Submitted For
Board Approval By:

STEPHEN YOUNG, Executive Director
Louisiana State Board of Cosmetology

ACCEPTANCE OF THE CONSENT AGREEMENT BY THE LOUISIANA STATE
BOARD OF COSMETOLOGY

By a majority vote of the Board members voting in favor of the foregoing
Consent Agreement at the Board meeting on _____,
2012, the Board hereby adopts said Agreement.

FOR THE BOARD:

LOUISIANA STATE BOARD OF COSMETOLOGY

IN THE MATTER OF

HANH HOANG

CONSENT AGREEMENT

(Manicurist License No. *****1412)

CONSENT AGREEMENT

NOW COME HANH HOANG (Manicurist License No. *****1412), the license holder in the above styled and numbered matter, and the LOUISIANA STATE BOARD OF COSMETOLOGY (hereinafter "Board"), appearing through its Chairman, FRANCES K. HAND, who do respectfully submit the following:

1.

HANH HOANG is and, at all times material to the facts and matters alleged herein, was licensed by the BOARD as a manicurist in the State of Louisiana, pursuant to the Louisiana Cosmetology Act, La. R.S. 37:561 et seq., as evidenced by Manicurist License No. *****1412.

2.

HANH HOANG was, at all times material, the owner of the manicuring salon known as ALOHA NAILS #2, which is located at 11445 Coursey Blvd., Suite P, Baton Rouge, LA, and which is licensed by the Board as Manicuring Salon No. *****1412-1.

3.

The Louisiana State Board of Cosmetology received Inspection Report No. 203944 and Notices of Violation Nos. 37838, 37840, 37841 and 37842, and began to investigate whether or not HANH HOANG (Manicurist License No. *****1412) had violated: (1) La. R.S. 37:600A(3), La.

R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012.

4.

Waxing is not an activity lawfully conducted by a manicurist.

5.

An informal hearing letter was mailed to HANH HOANG.

6.

Prior to the hearing on the formal charges, HANH HOANG admitted the violations and expressed a desire to enter into a Consent Agreement to settle this matter.

7.

The LOUISIANA STATE BOARD OF COSMETOLOGY and HANH HOANG enter into this Consent Agreement, whereby HANH HOANG admits to violating: (1) La. R.S. 37:600A(3), La. R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012; the license of HANH HOANG will be suspended

for a period of one year, the suspension will be suspended, and the license placed on probation for a one year period; and the Board assesses, and HANH HOANG agrees to pay and does pay a fine of \$800.00, reimburses the Board costs of \$350.00, and pays an annual probation fee of \$300.00, for total payment due the Board in the amount of \$1,450.00, said fine and costs to be paid simultaneously with the execution of this Consent Agreement by HANH HOANG.

8.

More specifically, the parties hereto agree to be bound under the following:

- a. HANH HOANG admits to violating: (1) La. R.S. 37:600A(3), La. R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012;
- b. HANH HOANG agrees to pay and does pay a fine of \$800.00, reimburses the Board costs of \$350.00, and pays an annual probation fee of \$300.00, for total payment to the Board of \$1,450.00;
- c. The license of HANH HOANG (Manicurist License No. *****1412) is suspended for a period of one year, the suspension is suspended, and the license is placed on probation a one year period, subject to the following terms and conditions:
 - [1] Within fifteen (15) days after this Consent Agreement is approved by the Board, HANH HOANG must provide the Board, in writing, with the name, address and Louisiana manicurist license number of each manicurist employed by or working at ALOHA NAILS #2;
 - [2] Thereafter, HANH HOANG shall provide to the Board, in writing, the name, address and Louisiana manicurist license number of any other manicurist hired or contracted with or otherwise providing manicuring services at ALOHA NAILS #2 prior to the manicurist providing manicuring services at ALOHA NAILS #2;
 - [3] HANH HOANG must provide to the Board, in writing, the name, address and

Louisiana manicurist license number of any manicurist ceasing to perform manicuring services at ALOHA NAILS #2 within five (5) days of the date the manicurist ceases to perform manicuring services at ALOHA NAILS #2;

- [4] No manicurist may provide manicuring services at ALOHA NAILS #2 unless written notice is provided to the Board as set forth herein;
 - [5] HANH HOANG must cease and desist waxing at ALOHA NAILS #2; and
 - [6] HANH HOANG shall not violate or be found guilty of violating any state, local or federal laws or regulations, including but not limited to laws and regulations relating to manicurists and/or manicuring salons; and
 - [7] HANH HOANG shall post a copy of this Consent Agreement in a conspicuous place near her manicurist license; and
- d. Should HANH HOANG violate the terms and conditions of probation, the one year license suspension may be instituted.

9.

HANH HOANG waives:

- (a) Any further procedural steps required by the Louisiana Administrative Procedure Act (La. R.S. 49:950 et seq.), Louisiana Cosmetology Law (La. R.S. 37:561 et seq.), and any other applicable laws; and
- (b) All rights to seek judicial review or otherwise challenge or contest the validity of this Consent Agreement, the charges and/or allegations contained herein, or the terms of the agreed settlement.

10.

Should HANH HOANG fail to comply with the terms of this Agreement, her license shall be subject to revocation by the Board.

11.

HANH HOANG acknowledges that she has fully read this Agreement and that she fully understands all the terms, conditions, dispositions and sanctions included herein. Moreover, HANH HOANG does further acknowledge that she does enter into this Agreement based on her full

understanding and acceptance of all terms and conditions hereof as her free act and deed.

12.

Both parties waive compliance with La. R.S. 49:958.

13.

This agreement will become effective on the date that it is officially approved at a formal meeting of the Board.

I, HANH HOANG, understand that this Consent Agreement is effective upon affirmative vote by the Board at formal hearing. It is also understood that should the Board not approve the Consent Agreement, the agreement thereon does not preclude the Louisiana State Board of Cosmetology from requiring a formal hearing of the case. It is further understood that, should this Consent Agreement not be accepted by the Board, the presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board or any of its members from further participation in hearings or resolution of these proceedings.

WHEREFORE, the below signed parties agree that this agreement is binding on all parties hereto.

THIS DONE AND SIGNED, this ____ day of _____, 2012.

HANH HOANG
Manicurist License No. *****1412
260 Sherwood Forest
Baton Rouge, LA 70815

LOUISIANA STATE BOARD OF
COSMETOLOGY

FRANCES K. HAND, Chairman

Approved and Submitted For
Board Approval By:

STEPHEN YOUNG, Executive Director
Louisiana State Board of Cosmetology

ACCEPTANCE OF THE CONSENT AGREEMENT BY THE LOUISIANA STATE BOARD OF
COSMETOLOGY

By a majority vote of the Board members voting in favor of the foregoing Consent Agreement at the Board meeting on _____, 2012, the Board hereby adopts said Agreement.

FOR THE BOARD:

LOUISIANA STATE BOARD OF COSMETOLOGY

IN THE MATTER OF

HANH HOANG

CONSENT AGREEMENT

(Manicurist License No. *****1412)

CONSENT AGREEMENT

NOW COME HANH HOANG (Manicurist License No. *****1412), the license holder in the above styled and numbered matter, and the LOUISIANA STATE BOARD OF COSMETOLOGY (hereinafter "Board"), appearing through its Chairman, FRANCES K. HAND, who do respectfully submit the following:

1.

HANH HOANG is and, at all times material to the facts and matters alleged herein, was licensed by the BOARD as a manicurist in the State of Louisiana, pursuant to the Louisiana Cosmetology Act, La. R.S. 37:561 et seq., as evidenced by Manicurist License No. *****1412.

2.

HANH HOANG was, at all times material, the owner of the manicuring salon known as ALOHA NAILS #2, which is located at 11445 Coursey Blvd., Suite P, Baton Rouge, LA, and which is licensed by the Board as Manicuring Salon No. *****1412-1.

3.

The Louisiana State Board of Cosmetology received Inspection Report No. 203944 and Notices of Violation Nos. 37838, 37840, 37841 and 37842, and began to investigate whether or not HANH HOANG (Manicurist License No. *****1412) had violated: (1) La. R.S. 37:600A(3), La.



R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012.

4.

Waxing is not an activity lawfully conducted by a manicurist.

5.

An informal hearing letter was mailed to HANH HOANG.

6.

Prior to the hearing on the formal charges, HANH HOANG admitted the violations and expressed a desire to enter into a Consent Agreement to settle this matter.

7.

The LOUISIANA STATE BOARD OF COSMETOLOGY and HANH HOANG enter into this Consent Agreement, whereby HANH HOANG admits to violating: (1) La. R.S. 37:600A(3), La. R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012; the license of HANH HOANG will be suspended

for a period of one year, the suspension will be suspended, and the license placed on probation for a one year period; and the Board assesses, and HANH HOANG agrees to pay and does pay a fine of \$800.00, reimburses the Board costs of \$350.00, and pays an annual probation fee of \$300.00, for total payment due the Board in the amount of \$1,450.00, said fine and costs to be paid simultaneously with the execution of this Consent Agreement by HANH HOANG.

8.

More specifically, the parties hereto agree to be bound under the following:

- a. HANH HOANG admits to violating: (1) La. R.S. 37:600A(3), La. R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012;
- b. HANH HOANG agrees to pay and does pay a fine of \$800.00, reimburses the Board costs of \$350.00, and pays an annual probation fee of \$300.00, for total payment to the Board of \$1,450.00;
- c. The license of HANH HOANG (Manicurist License No. *****1412) is suspended for a period of one year, the suspension is suspended, and the license is placed on probation a one year period, subject to the following terms and conditions:
 - [1] Within fifteen (15) days after this Consent Agreement is approved by the Board, HANH HOANG must provide the Board, in writing, with the name, address and Louisiana manicurist license number of each manicurist employed by or working at ALOHA NAILS #2;
 - [2] Thereafter, HANH HOANG shall provide to the Board, in writing, the name, address and Louisiana manicurist license number of any other manicurist hired or contracted with or otherwise providing manicuring services at ALOHA NAILS #2 prior to the manicurist providing manicuring services at ALOHA NAILS #2;
 - [3] HANH HOANG must provide to the Board, in writing, the name, address and

understanding and acceptance of all terms and conditions hereof as her free act and deed.

12.

Both parties waive compliance with La. R.S. 49:958.

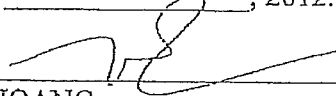
13.

This agreement will become effective on the date that it is officially approved at a formal meeting of the Board.

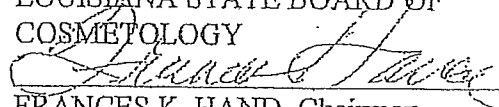
I, HANH HOANG, understand that this Consent Agreement is effective upon affirmative vote by the Board at formal hearing. It is also understood that should the Board not approve the Consent Agreement, the agreement thereon does not preclude the Louisiana State Board of Cosmetology from requiring a formal hearing of the case. It is further understood that, should this Consent Agreement not be accepted by the Board, the presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board or any of its members from further participation in hearings or resolution of these proceedings.

WHEREFORE, the below signed parties agree that this agreement is binding on all parties hereto.

THIS DONE AND SIGNED, this 12 day of Oct, 2012.




HANH HOANG
Manicurist License No. *****1412
260 Sherwood Forest
Baton Rouge, LA 70815

LOUISIANA STATE BOARD OF
COSMETOLOGY


FRANCES K. HAND, Chairman

Approved and Submitted For
Board Approval By:

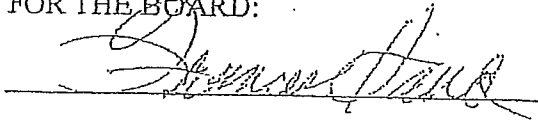


STEPHEN YOUNG, Executive Director
Louisiana State Board of Cosmetology

ACCEPTANCE OF THE CONSENT AGREEMENT BY THE LOUISIANA STATE BOARD OF
COSMETOLOGY

By a majority vote of the Board members voting in favor of the foregoing Consent
Agreement at the Board meeting on November 5, 2012, the Board
hereby adopts said Agreement.

FOR THE BOARD:

A handwritten signature in black ink, appearing to read "Shirley H. ...", is written over a horizontal line.

LOUISIANA STATE BOARD OF COSMETOLOGY

IN THE MATTER OF

HANH HOANG d/b/a
ALOHA NAILS #2
11445 Coursey Blvd., Suite P
Baton Rouge, LA 70815
(Manicuring Salon No. *****1412-1)

CONSENT AGREEMENT

CONSENT AGREEMENT

NOW COME HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, 11445 Coursey Blvd., Suite P, Baton Rouge, LA (Manicuring Salon No. *****1412-1), which manicuring salon is the license holder in the above styled and numbered matter; and the LOUISIANA STATE BOARD OF COSMETOLOGY (hereinafter "Board"), appearing through its Chairman, FRANCES K. HAND, who do respectfully submit the following:

1.

HANH HOANG owned ALOHA NAILS #2, the manicuring salon located at 11445 Coursey Blvd., Suite P, Baton Rouge, LA, which is and was, at all times material to the facts and matters alleged herein, licensed by the BOARD as a manicuring salon in the State of Louisiana, pursuant to the Louisiana Cosmetology Act, La. R.S. 37:561 et seq., as evidenced by Manicuring Salon No. *****1412-1.



67
Hanh Hoang #6

2.

The Louisiana State Board of Cosmetology received Inspection Report No. 203944 and Notice of Violation Nos. 37838, 37840, 37841 and 37842, and began to investigate whether or not HANH HOANG d/b/a ALOHA NAILS #2 on or about May 1, 2012, had violated: (1) La. R.S. 37:600A(3), La. R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012.

3.

An informal hearing letter was mailed to HANH HOANG d/b/a ALOHA NAILS #2.

4.

Prior to the hearing on the formal charges, HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, admitted the violations and expressed a desire to enter into a Consent Agreement to settle this matter against the manicuring salon.

5.

The LOUISIANA STATE BOARD OF COSMETOLOGY and HANH HOANG, individually, and as owner of and doing business as ALOHA NAILS #2, enter into this

Consent Agreement, whereby HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, admits that the manicuring salon, ALOHA NAILS #2, violated: (1) La. R.S. 37:600A(3), La. R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012; the license of HANH HOANG d/b/a ALOHA NAILS #2 will be suspended for a period one year, the suspension will be suspended, and the license placed on probation for the one year period; and the Board assesses, and HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, agrees to pay and does pay, on behalf of ALOHA NAILS #2, a fine of \$800.00, reimburses the Board costs of \$350.00, and pays the annual probation fee of \$400.00, for total payment due the Board in the amount of \$1,550.00, said fine and costs to be paid simultaneously with the execution of this Consent Agreement by HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2.

6.

More specifically, the parties hereto agree to be bound under the following:

- a. HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, admits that the manicuring salon ALOHA NAILS #2 had violated:

(1) La. R.S. 37:600A(3), La. R.S. 37:600A(12) and La. R.S. 37:581A, in relation to waxing being conducted by a manicurist in the manicuring salon known as ALOHA NAILS #2 on or about May 1, 2012; (2) La. R.S. 600A(1), (3), (5), (6), (9) and (12) and La. R.S. 37:581A, in relation to an unlicensed operator working under the license of someone else, PHAM NGUYEN THI THUG, at ALOHA NAILS #2 on or about May 1, 2012; and (3) LAC 46.XXXI.901 in denying access to the Board's inspector by locking the door and not letting her out on or about May 1, 2012;

- b. HANH HOANG, individually, as owner of and doing business as ALOHA NAILS #2, agrees to pay and does pay, on behalf of ALOHA NAILS #2, a fine of \$800.00, reimburses the Board costs of \$350.00, and pays the annual probation fee of \$400.00, for total payment to the Board of \$1,550.00; and
- c. The license of HANH HOANG d/b/a ALOHA NAILS #2 (Manicuring Salon No. *****1412-1) is suspended for a period of one year, the suspension is suspended, and the license is placed on probation for the one year period subject to the following terms and conditions:
 - [1] ALOHA NAILS #2 must immediately cease and desist providing waxing services at the licensed location;
 - [2] Within fifteen (15) days after this Consent Agreement is approved by the Board, ALOHA NAILS #2 must provide the Board, in writing, with the name, address and Louisiana manicurist license number of each manicurist employed by or working at ALOHA NAILS #2;
 - [3] Thereafter, ALOHA NAILS #2 shall provide to the Board, in writing, the name, address and Louisiana manicurist license number of any other manicurist hired or contracted with or otherwise providing manicuring services at ALOHA NAILS #2 prior to the manicurist providing manicuring services at ALOHA NAILS #2;
 - [4] ALOHA NAILS #2 must provide to the Board, in writing, the name, address and Louisiana manicurist license number of any manicurist ceasing to perform manicuring services at ALOHA NAILS #2 within five (5) days of the date the manicurist ceases to perform manicuring services at ALOHA NAILS #2;
 - [5] No manicurist may provide manicuring services at ALOHA NAILS #2

unless written notice is provided to the Board as set forth herein;

[6] ALOHA NAILS #2 and/or HANH HOANG shall not violate or be found guilty of violating any state, local or federal laws or regulations, including but not limited to laws and regulations relating to manicurists and/or manicuring salons; and

[7] ALOHA NAILS #2 shall post a copy of this Consent Agreement in a conspicuous place near its manicuring salon license; and

d. Should ALOHA NAILS #2 and/or HANH HOANG violate the terms and conditions of probation, the one year license suspension may be instituted.

7.

HANH HOANG, individually, as owner of and doing business as ALOHA NAILS

#2, waives:

- (a) Any further procedural steps required by the Louisiana Administrative Procedure Act (La. R.S. 49:950 et seq.), Louisiana Cosmetology Law (La. R.S. 37:561 et seq.), and any other applicable laws; and
- (b) All rights to seek judicial review or otherwise challenge or contest the validity of this Consent Agreement, the charges and/or allegations contained herein, or the terms of the agreed settlement.

8.

Should HANH HOANG d/b/a ALOHA NAILS #2 fail to comply with the terms of this Agreement, its license shall be subject to revocation by the Board.

9.

HANH HOANG, owner, acting individually, as owner of and on behalf of ALOHA NAILS #2, acknowledges that she has fully read this Agreement and that she fully understands all the terms, conditions, dispositions and sanctions included herein. Moreover, HANH HOANG, owner, acting individually, as owner of and on behalf of ALOHA NAILS

#2, does further acknowledge that she does enter into this Agreement based on her full understanding and acceptance of all terms and conditions hereof as her free act and deed.

10.

Both parties waive compliance with La. R.S. 49:958.

11.

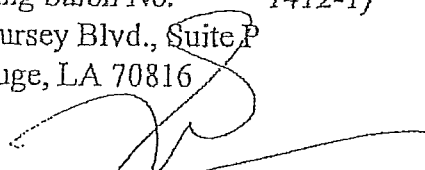
This agreement will become effective on the date that it is officially approved at a formal meeting of the Board.

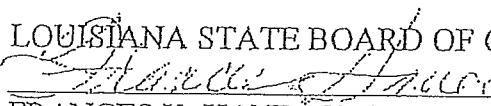
I, HANH HOANG, owner, acting individually, as owner of and on behalf of ALOHA NAILS #2, understand that this Consent Agreement is effective upon affirmative vote by the Board at formal hearing. It is also understood that should the Board not approve the Consent Agreement, the agreement thereon does not preclude the Louisiana State Board of Cosmetology from requiring a formal hearing of the case. It is further understood that, should this Consent Agreement not be accepted by the Board, the presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board or any of its members from further participation in hearings or resolution of these proceedings.

WHEREFORE, the below signed parties agree that this agreement is binding on all parties hereto.

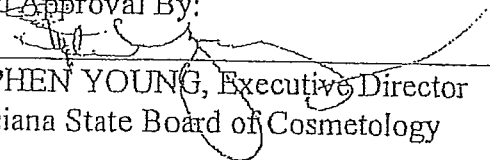
THIS DONE AND SIGNED, this 23 day of Oct, 2012.

HANH HOANG d/b/a ALOHA NAILS #2
(Manicuring Salon No. *****1412-1)
11445 Coursey Blvd., Suite P
Baton Rouge, LA 70816


BY: HANH HOANG, Individually, as Owner of and
Doing Business As ALOHA NAILS #2

LOUISIANA STATE BOARD OF COSMETOLOGY

FRANCES K. HAND, Chairman

Approved and Submitted For
Board Approval By:


STEPHEN YOUNG, Executive Director
Louisiana State Board of Cosmetology

ACCEPTANCE OF THE CONSENT AGREEMENT BY THE LOUISIANA STATE
BOARD OF COSMETOLOGY

By a majority vote of the Board members voting in favor of the foregoing
Consent Agreement at the Board meeting on November 5,
2012, the Board hereby adopts said Agreement.

FOR THE BOARD:

