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ARKANSAS DEPARTMENT OF HEALTH
COSMETOLOGY SECTION
COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

BE IT REMEMBERED that on Monday, the 18th day of September, 2017, the meeting of the Arkansas Department of Health, Cosmetology Section, Cosmetology Technical Advisory Committee was held, at 9:00 a.m., at the Arkansas Department of Health, Freeway Medical Building, Suite 801, Little Rock, Pulaski County, Arkansas.

TECHNICAL ADVISORY COMMITTEE:

- TONYA BOYDSTUN
- CARLA JONES
- LOIS WARE
- DANIEL 'REX' PAXTON
- ANGELA WILSON

REPORTED BY:

SUSAN B. WHITSON, CCR
Arkansas Supreme Court Certificate No. 158
9810 Woodland Drive
Mabelvale, Arkansas 72103
(501) 455-1170
WhitsonCCR@aol.com

CTAC, 09/18/17

1 APPEARANCES:

2 ON BEHALF OF THE COMMITTEE:

3 VICKI PICKERING, ESQ.

4 HEARING OFFICER:

5 DARA HALL, ESQ.
Office of the Attorney General
6 323 Center Street, Suite 200
Little Rock, Arkansas 72201
7

8 Staff Members Present:

9 KELLI KERSEY
TERI PREACHERS
10 AMANDA WEEKS
REGAN WINTZ
11 PAM ATHERLEY
LAVONNE LESTER
12 VERA WOOD
YVONNE SMITH
13 KRISTA WELLS
JACLYN KNOPP
14

15 ALSO PRESENT:

16 Mina Hamirani, Respondent
Chasity Lankford
17 Erica Timmel
Tonya Byrd
18 Interpreter

19 Court Reporter:

20 Susan B. Whitson, CCR
Arkansas Supreme Court Certificate No. 158
21
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BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

(CTAC)

IN THE MATTER OF:

ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

v.

UNIQUE BROW ART SALON

RESPONDENT

ADMINISTRATIVE HEARING

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1 P R O C E E D I N G S

2 MS. BOYDSTON: Okay. So we'll go move on
3 to hearings.

4 HEARING OFFICER: All right. Is this the
5 only one today?

6 MS. PICKERING: Yes.

7 HEARING OFFICER: Unique Brow Art Salon.

8 All right. My name is Dara Hall and I am
9 the Hearing Officer today In The Matter of
10 Unique Brow Art Salon, this matter will be
11 heard before the Cosmetology Technical Advisory
12 Committee. The hearing concerns the matters
13 specified in the Order and Notice of Hearing.
14 Today is 18 September 2017. Please turn all
15 cell phones off or place them on silent mode --
16 I tell you I put this in there for me -- and so
17 as not to disrupt these proceedings.

18 Respondent, please identify yourself for
19 the record.

20 And where I do want them at, Susan?

21 MS. HAMIRANI: I'm present for Unique.

22 HEARING OFFICER: Come over here and take
23 a seat.

24 And give us your name. And you represent
25 Unique Brow Art Salon; is that correct?

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1 MS. HAMIRANI: Yes.

2 HEARING OFFICER: And give the court
3 reporter your name.

4 MS. HAMIRANI: Mina Hamirani.

5 HEARING OFFICER: Okay.

6 COURT REPORTER: Spell it, please.

7 MS. HAMIRANI: M-i-n-a; H-a-m-i-r-a-n-i.

8 COURT REPORTER: Thank you.

9 HEARING OFFICER: Thank you.

10 Are you represented by counsel today?

11 MS. HAMIRANI: Yep.

12 HEARING OFFICER: You are?

13 MS. HAMIRANI: Uh-huh.

14 HEARING OFFICER: Where is your counsel
15 at?

16 MS. HAMIRANI: My English is not that much
17 good so I'm --

18 HEARING OFFICER: Do you have an attorney?

19 MS. HAMIRANI: No. I don't have.

20 HEARING OFFICER: Okay. Are you -- do you
21 understand you have the right to have an
22 attorney?

23 MS. HAMIRANI: Yeah. Maybe.

24 HEARING OFFICER: Okay. Well, would you
25 like the opportunity to obtain an attorney at

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1 this time?

2 MS. HAMIRANI: No, I don't really thinking
3 about it then.

4 HEARING OFFICER: Okay. Well, I can't --
5 I can't advise you, I just had to ask you and
6 make sure you're aware of your rights. You
7 have the right to one, you don't have to have
8 one, but if you want one we'll give you the
9 opportunity to have one.

10 MS. HAMIRANI: Yeah, if you would have
11 one, I would like one.

12 HEARING OFFICER: Okay. Well, you have to
13 pay for them. We don't pay for attorneys to
14 represent individuals --

15 MS. HAMIRANI: Okay.

16 HEARING OFFICER: -- individuals in front
17 of the committee.

18 MS. HAMIRANI: Okay.

19 HEARING OFFICER: So if you're wanting
20 one --

21 MS. HAMIRANI: Yeah, because the -- the
22 issue is they give me ticket for \$500 and I
23 cannot afford. That's why I'm here.

24 HEARING OFFICER: Okay.

25 MS. HAMIRANI: So I cannot pay attorney.

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1 HEARING OFFICER: Okay. Well then it's up
2 to you, but if you don't have the money for
3 one, it's not going to be less than 500 to hire
4 an attorney to come here, I would -- I would
5 doubt. So you still have the opportunity to
6 present your own case and then ask for a lower
7 fine and say why. Okay?

8 MS. HAMIRANI: (Nodding head up and down.)

9 HEARING OFFICER: Would you like to
10 proceed and do that?

11 MS. HAMIRANI: Yes.

12 HEARING OFFICER: Okay. Committee's
13 counsel, please, identify yourself for the
14 record.

15 MS. PICKERING: My name is Vicki
16 Pickering.

17 HEARING OFFICER: Thank you.

18 Are you ready to proceed on this matter?

19 MS. PICKERING: Yes, sir.

20 HEARING OFFICER: I'm going to have one
21 more question to make sure we got from -- is it
22 the -- what's your first name again?

23 MS. HAMIRANI: Mina. Mina.

24 HEARING OFFICER: Mina?

25 MS. HAMIRANI: Uh-huh.

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1 HEARING OFFICER: Okay. Did you receive a
2 copy of the Order and Notice of Hearing
3 concerning today's matter?

4 MS. HAMIRANI: Uh-huh.

5 HEARING OFFICER: Okay. Good. Just
6 wanted to make sure you got that.

7 MS. HAMIRANI: Yes, sir.

8 HEARING OFFICER: Okay. For the benefit
9 of anyone present here today who may not have
10 appeared in an administrative hearing, the
11 committee will base its decision solely on the
12 evidence presented here today, so if you have
13 documentary evidence or any kind of evidence,
14 Mina, you need to give it to the committee
15 today. Okay?

16 This hearing is held pursuant to the
17 Administrative Procedures Act, which means that
18 the strict rules of evidence do not apply and
19 the parties will be given latitude in
20 introducing evidence. This is to promote a
21 fair hearing and to provide the Board with
22 adequate information with which to make a
23 decision.

24 The administrative adjudicatory process
25 should be more expeditious and less expensive

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1 for all parties than a judicial proceeding.
2 This hearing should be much less formal,
3 consistent with the fundamentals of fairness,
4 impartiality, and thoroughness.

5 The Hearing Officer's goal is to develop a
6 fair, accurate, and intelligible record that
7 can be reviewed. That's my main goal here, so
8 I would like to caution everybody involved,
9 don't talk over one another. Give the
10 questioner time to finish, give the answerer
11 time to finish, don't talk at the same time.
12 We don't get a good record that way, and I will
13 caution the parties if you start doing that.
14 Okay?

15 To ensure efficiency of the proceeding, I
16 will grant objections and caution -- caution --
17 caution -- I can't talk today -- the parties
18 only as necessary. I hope I don't have to
19 caution anybody.

20 If there is anything that you have in your
21 petition, like I said, Mina, you need to offer
22 it today.

23 All participants in the hearing should be
24 aware that these proceedings are subject to the
25 Freedom of Information Act, and as such, all

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1 parts of the hearing, including the
2 deliberations of the committee, are open to the
3 public.

4 For those of you who are or may be
5 witnesses today in this matter, please, raise
6 your right hands -- stand up and raise your
7 right hands to be sworn in.

8 Ma'am, would you like to testify on your
9 own behalf?

10 MS. HAMIRANI: No.

11 HEARING OFFICER: Well, you don't have to
12 make the decision now, but if you will want to
13 later, you will need to be sworn in now. All
14 right?

15 (WHEREUPON, the witnesses were sworn by
16 the Hearing Officer.)

17 HEARING OFFICER: Give your name to my
18 court reporter and then be seated.

19 MS. KERSEY: Kelli Kersey.

20 MS. SMITH: Yvonne Smith.

21 HEARING OFFICER: And I think we already
22 have your name, right?

23 COURT REPORTER: (Nodding head up and
24 down.)

25 HEARING OFFICER: Good.

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1 Are there any other preliminary matters to
2 be discussed or offered at this time?

3 MS. PICKERING: Mr. Hearing Officer, if --
4 if the Respondent would like, we can get an
5 interpreter --

6 HEARING OFFICER: Sure. Yeah.

7 MS. PICKERING: -- on the phone.

8 HEARING OFFICER: That would be -- that
9 would be very good.

10 MS. PICKERING: Okay.

11 MS. KERSEY: What language?

12 MS. HAMIRANI: I'm probably, yes, I'm
13 speaking Hindi.

14 HEARING OFFICER: Hindi? Okay. Well, do
15 you want to take care of -- well, no, we need
16 an interpreter first. It's fine.

17 Well, let's go off the record while we try
18 to obtain an interpreter at this time. All
19 right?

20 We're now off the record.

21 (WHEREUPON, a brief discussion was held
22 off the record. Lois Ware joined the
23 proceedings.)

24 (WHEREUPON, An interpreter joined the
25 proceedings by telephone.)

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1 HEARING OFFICER: Okay. Can -- can the
2 interpreter hear us?

3 Can the interpreter hear me?

4 INTERPRETER: I can hear, yes. Yes. I
5 can, yes.

6 HEARING OFFICER: Good.

7 INTERPRETER: What she is saying, she has
8 two businesses in mall, but she has only one
9 left now. There was one business -- I don't
10 know, small kiosk business?

11 HEARING OFFICER: Well, I couldn't catch
12 that, but I can tell you that this is an
13 administrative hearing. I'm the Hearing
14 Officer. My name is Dara Hall.

15 This matter is being heard before the
16 Arkansas Cosmetology Technical Advisory
17 Committee.

18 INTERPRETER: Sorry, sir. The line is not
19 clear at all, I can't hear you -- I can hear
20 you well but I can't understand what you're
21 saying because the line is not clear.

22 HEARING OFFICER: Okay. We're going to --
23 we're moving the phone closer. Maybe that will
24 help.

25 INTERPRETER: Yes, it's better now.

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1 HEARING OFFICER: Okay. Well, let me
2 start over.

3 We're back on the record, Court Reporter?

4 COURT REPORTER: Yes.

5 HEARING OFFICER: Okay. Thank you.

6 We're here for an administrative hearing,
7 In The Matter of Unique Brow Art Salon. And
8 it's being heard before the Arkansas
9 Cosmetology Technical Advisory Committee, and
10 I'm the Hearing Officer. And Ms. Hamirani had
11 said she doesn't understand English enough to
12 make her defense and wanted us to get an
13 interpreter to assist her. Do you understand?

14 INTERPRETER: Sorry, sir. I am unable to,
15 because of the accent in USA is quite different
16 to ours. I'm from UK. I think you have to
17 find another interpreter. I'm sorry.

18 HEARING OFFICER: Okay. Can you -- can
19 you get us another interpreter?

20 I guess she hung up.

21 MS. PICKERING: I think we need to get
22 another interpreter so she can understand.

23 HEARING OFFICER: She only understands
24 British and I don't have the good accent for
25 that.

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1 MS. KERSEY: Okay then.

2 MS. HAMIRANI: Can I say something?

3 HEARING OFFICER: Sure.

4 MS. HAMIRANI: I know I, like, I see that
5 you guys get little problem too, but I try to
6 explain little bit and let's see.

7 HEARING OFFICER: Well, we'll -- let's try
8 and get us another interpreter that -- if we
9 can. I don't want to give up this easily. It
10 took us three times on that one try.

11 Let's go off the record while we try to
12 accomplish this.

13 (WHEREUPON, a brief discussion was held
14 off the record. An interpreter joined the
15 proceedings by telephone.)

16 HEARING OFFICER: Okay. We're back on the
17 record.

18 And the first order of business I need to
19 do is to swear you in. All right?

20 INTERPRETER: Sure.

21 MS. HAMIRANI: Yes.

22 HEARING OFFICER: All right. I didn't
23 communicate very well. I need to swear the
24 interpreter in as well.

25 INTERPRETER: Sure.

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1 HEARING OFFICER: Are you ready to be
2 sworn in?

3 INTERPRETER: Yes, I do.

4 HEARING OFFICER: Okay.

5 (Interpreter sworn by the Hearing
6 Officer.)

7 HEARING OFFICER: All right. Because
8 you're not testifying, you're interpreting.

9 Thank you very much, ma'am.

10 INTERPRETER: Yes.

11 HEARING OFFICER: And at this point in the
12 proceedings, we were about to call the first
13 witnesses, so we will need the witnesses to sit
14 right here by the phone as well so that the
15 interpreter can then interpret to Ms. -- am I
16 getting the name right, Hamirani?

17 MS. HAMIRANI: Yes.

18 INTERPRETER: Hamirani. Yes.

19 HEARING OFFICER: Okay. Is this my
20 witness -- or you're a board member?

21 INTERPRETER: Yes. That's correct.

22 MS. PICKERING: No, she's the witness.
23 And Kelli will be the witness.

24 HEARING OFFICER: Okay. Well, let's move
25 the phone closer to her because I think they

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1 have a hard time unless I'm right on the phone,
2 and let's make sure our witness can be heard by
3 the interpreter.

4 Go ahead. Can my witness make sure that
5 the interpreter can hear her first? That's all
6 I wanted to do.

7 MS. PICKERING: I plan on calling Kelli
8 Kersey first.

9 HEARING OFFICER: Okay. Then let's move
10 that.

11 All right. Give the phone back.

12 MS. KERSEY: This is Kelli Kersey. This
13 is Kelli Kersey, the first witness.

14 INTERPRETER: Yeah, I can hear you
15 Ms. Kelli.

16 MS. HAMIRANI: Okay.

17 HEARING OFFICER: All right. Proceed,
18 counsel.

19 MS. PICKERING: Okay. And my name is
20 Vicki Pickering and I'm the attorney for the
21 committee. Can you hear me?

22 INTERPRETER: I cannot hear Ms. Counselor.
23 I cannot hear you.

24 MS. PICKERING: Okay. Is that better? My
25 name is Vicki Pickering.

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1 INTERPRETER: Little better. Yeah.

2 MS. PICKERING: Okay. I'll call Kelli
3 Kersey.

4 WHEREUPON,

5 KELLI KERSEY,

6 having been called for examination, and having been first
7 duly sworn by the Hearing Officer, was examined and
8 testified, as follows:

9 DIRECT EXAMINATION

10 BY MS. PICKERING:

11 Q Ms. Kersey, would you state your name and occupation
12 for the record?

13 A Kelli Kersey, Arkansas Department of Health,
14 Cosmetology and Massage Therapy Section Chief.

15 MS. HAMIRANI: Okay.

16 BY MS. PICKERING:

17 Q Okay. Ms. Kersey, are you familiar with the
18 proceedings against Unique Brow Art Salon?

19 A Yes, ma'am.

20 HEARING OFFICER: You can go ahead and,
21 well, interpret that for your client.

22 MS. HAMIRANI: Yes, I do.

23 BY MS. PICKERING:

24 Q Okay. Ms. Kersey, did you prepare -- are you
25 familiar with the packet of information that we have

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1 regarding the Respondent?

2 INTERPRETER: I can't hear this part. I'm
3 so sorry. Just you're cutting off, ma'am.

4 BY MS. PICKERING:

5 Q Okay. Ms. Kersey, are you familiar with the packet
6 of information that the committee staff has prepared
7 against Unique Brow Art Salon?

8 A Yes, ma'am.

9 MS. HAMIRANI: Yes

10 MS. PICKERING: Okay. At this point I
11 would move to introduce the packet of
12 information as Exhibit 1.

13 HEARING OFFICER: All right. For --
14 marked as Exhibit 1 for identification
15 purposes, there is a packet totaling 19 pages.
16 This should have been provided to you,
17 Ms. Hamirani. Was it?

18 MS. HAMIRANI: (In English) Uh-huh. Yes,
19 sir.

20 HEARING OFFICER: Do you have any
21 objections --

22 MS. HAMIRANI: No. I did not receive.

23 HEARING OFFICER: All right. I think she
24 may not know that she has it, but I believe she
25 has it.

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1 MS. HAMIRANI: (In English) Oh, yes.

2 HEARING OFFICER: We're making sure that
3 she does.

4 MS. HAMIRANI: (In English) Yeah, I have
5 it.

6 HEARING OFFICER: All right. Then do you
7 need some time to remove that, Ms. Hamirani?

8 MS. HAMIRANI: (In English) Can you give
9 me five minutes?

10 HEARING OFFICER: Yes. You can take five
11 minutes.

12 Let's take a short -- let's go off the
13 record and let her review this.

14 (WHEREUPON, a brief discussion was held
15 off the record.)

16 HEARING OFFICER: All right. Next, do you
17 have any --

18 MS. HAMIRANI: I've seen -- I've seen the
19 paperwork.

20 HEARING OFFICER: Okay. Thank you.

21 Is there anything in the paperwork you
22 would like to object to?

23 INTERPRETER: Everything good, she says.

24 HEARING OFFICER: All right. Then there
25 being no objection to its admission, it is

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1 admitted into evidence, and that would be --

2 MS. HAMIRANI: Yes.

3 HEARING OFFICER: -- and it's admitted as
4 Exhibit 1.

5 (WHEREUPON, State's Exhibit No. 1 was
6 received in evidence.)

7 HEARING OFFICER: All right. Continue.

8 MS. HAMIRANI: (In English) Okay.

9 HEARING OFFICER: Okay. And it may be
10 published to the committee at this time for
11 their review.

12 And continue.

13 BY MS. PICKERING:

14 Q Okay. Ms. Kersey, are you familiar with --
15 Ms. Kersey, is Unique Brow Art Salon licensed as an
16 establishment to provide cosmetological services?

17 MS. HAMIRANI: I would like to say
18 something here.

19 HEARING OFFICER: Well, she will get an
20 opportunity to testify, after the witnesses
21 testify, on her behalf to explain her position,
22 but right now we're just asking the witness
23 questions and we want her to understand what is
24 being said.

25 Can you explain that to her?

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1 MS. HAMIRANI: (In English) Okay.
2 HEARING OFFICER: All right. Ms. Kersey?
3 THE WITNESS: They are not licensed at
4 this location that she has a violation for.
5 INTERPRETER: I can't hear. The
6 interpreter did not hear.
7 HEARING OFFICER: Well, I understand.
8 We're going to ask -- she's going to reply
9 again. Go ahead.
10 THE WITNESS: Unique Brow Art is not
11 licensed at this address that she was fined
12 for.
13 INTERPRETER: This is the interpreter,
14 want to hear it right. You say that this is
15 the address, not at this address?
16 HEARING OFFICER: Well, let's give the
17 address actually for the record anyway. What
18 address is she not licensed at?
19 THE WITNESS: Well, sorry, let me get
20 there.
21 The suite -- sorry. The Suite Oho 2a.
22 HEARING OFFICER: Is that in Sherwood,
23 Arkansas?
24 THE WITNESS: Sorry. North Little Rock,
25 Arkansas.

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1 HEARING OFFICER: North Little Rock.

2 Thank you.

3 Did the -- did the interpreter understand?

4 INTERPRETER: I'm sorry.

5 MS. HAMIRANI: I am not understanding what
6 address are you talking about?

7 (In English) Because that's why I want to
8 say something before I do, but --

9 HEARING OFFICER: Well --

10 INTERPRETER: I'm having hard time
11 interpreting, the other person who just gave
12 the address, could you repeat the address the
13 violation you say is?

14 MS. HAMIRANI: (In English) She didn't
15 hear her.

16 HEARING OFFICER: All right. Well, this
17 is -- we'll be a little less formal here.

18 INTERPRETER: You're cutting off. What
19 you said, you're cutting off at this point.

20 HEARING OFFICER: Okay. All right. Can
21 you hear me now?

22 INTERPRETER: No. I can't hear you.
23 You're just going in and out.

24 HEARING OFFICER: Well, I'm not sure what
25 to do about that.

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1 INTERPRETER: This is better now. This is
2 okay.

3 I just, the other lady who is talking,
4 it's very hard to hear her.

5 HEARING OFFICER: All right. We're going
6 to put the phone on charger and hope that helps
7 a little bit.

8 So back to -- back to this witness. Since
9 we are informal, let me take a brief moment
10 here to consult with counsel for the committee.

11 This is going to take all day.

12 MS. PICKERING: Uh-huh.

13 HEARING OFFICER: Can we let her ask
14 questions somewhat out of turn if she doesn't
15 understand and present something? She is
16 sworn.

17 MS. PICKERING: Uh-huh.

18 HEARING OFFICER: Do you have an issue
19 with that?

20 MS. PICKERING: I don't have an issue with
21 that. That's fine.

22 HEARING OFFICER: Okay. In that case,
23 then, for whatever that Ms. Hamirani did not
24 understand, we'll let her ask Ms. Kersey then.
25 So go ahead.

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1 INTERPRETER: Yeah. She did not
2 understand the last question, so will you be
3 kind enough to repeat?

4 HEARING OFFICER: Okay. So she wants
5 Ms. Kersey to respond to that last question
6 again?

7 MS. HAMIRANI: (In English) What address,
8 yes. Yeah, I want to make sure the address,
9 please.

10 HEARING OFFICER: Okay. So she wants, as
11 I understand it, the address to the -- that she
12 was cited for not having license for; is that
13 correct?

14 MS. HAMIRANI: (In English) Okay.

15 HEARING OFFICER: All right. Go ahead and
16 give the address for the citation.

17 THE WITNESS: Okay. The -- the address I
18 have -- and this might be a better question for
19 the inspector -- but the address I have is
20 Suite Oho 2a inside McCain Mall.

21 HEARING OFFICER: In North Little Rock?

22 THE WITNESS: In North Little Rock. I'm
23 sorry. Apologize.

24 HEARING OFFICER: Okay. All right. Did
25 you understand that?

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1 INTERPRETER: Yeah. Yeah.

2 MS. HAMIRANI: That's a wrong address you
3 have.

4 HEARING OFFICER: Okay. So --

5 MS. HAMIRANI: (In English) This I got
6 address by -- the woman, I got license for that
7 that I applied.

8 HEARING OFFICER: All right. So she says
9 she has an address -- I mean she has a license
10 for this address.

11 THE WITNESS: Okay.

12 HEARING OFFICER: Are they not the same
13 address?

14 And she's saying this is a different
15 address. But did you operate a salon here?

16 MS. HAMIRANI: (In English) No, no.

17 HEARING OFFICER: She says she did not.

18 MS. HAMIRANI: (In English) No, they say
19 this salon, kiosk, it is not a salon, it is
20 just little kiosk since 2009. And we had a
21 license before, we apply license in 2009, '10,
22 '11, '12, and because we doing threading over
23 there, so nobody was coming to inspect over
24 there. So one day the lady came and I asked
25 her, and she say you don't need license because

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1 you just offered threading over there. And
2 then 2012, we -- we stopped continuing to have
3 a license of the kiosk. So that's why we did
4 not have kiosk license at that time. No.

5 MS. PICKERING: So you do not dispute that
6 you were not licensed?

7 MS. HAMIRANI: (In English) Yeah.

8 MS. PICKERING: But that had -- --

9 MS. HAMIRANI: (In English) We used to
10 got that. We used to have that license on
11 record on the -- you can check the 2012, we
12 have the same address license, but when someone
13 told me you don't need so we just stop.

14 HEARING OFFICER: All right. I believe
15 she understood that so let's go to the next
16 question.

17 BY MS. PICKERING:

18 Q Ms. Kersey, do you have anything further that you
19 would like to add regarding the address or anything --

20 A I just --

21 HEARING OFFICER: Let her interpret that.
22 Go ahead. Interpreter.

23 MS. HAMIRANI: (In English) I understood.

24 HEARING OFFICER: Oh, you understood that?

25 INTERPRETER: Hello? This whole

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1 conversation I could not hear anything so I
2 would not --

3 HEARING OFFICER: Well, she understood
4 this one --

5 INTERPRETER: So can you get another
6 interpreter or get a good connection, because
7 this is really hard for me to interpret,
8 because I can only hear you, Officer, I cannot
9 hear the ladies.

10 HEARING OFFICER: Okay. I will try to get
11 the mic closer to them and --

12 INTERPRETER: Yeah. I could hear you
13 really good at this point but the whole
14 conversation last, I could not hear anything --

15 HEARING OFFICER: All right. Well, she
16 understood the --

17 INTERPRETER: -- but that was in English
18 though.

19 HEARING OFFICER: She understood the last
20 question so we're going to proceed, hopefully.
21 Let me know if you don't understand whoever is
22 talking and we will try it again or we will try
23 to get a better connection. But we're going to
24 proceed right now.

25 INTERPRETER: Hello? Because the last --

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1 last part was in English, what she was saying,
2 so I -- I could hear a little bit but I did not
3 hear the whole conversation.

4 HEARING OFFICER: Okay. Well, we will --

5 THE WITNESS: But she understood it,
6 the --

7 HEARING OFFICER: Yeah.

8 THE WITNESS: She didn't need you to
9 interpret it. She --

10 MS. HAMIRANI: (In English) Yeah. I
11 understand all that last conversation.

12 INTERPRETER: Okay. We are okay to
13 proceed.

14 HEARING OFFICER: Are we ready to proceed
15 with the next statement from the witness?

16 MS. HAMIRANI: Yes.

17 HEARING OFFICER: We're here. I just want
18 to make sure we're clear to go. Are we good --
19 is she good to go for the next question?

20 MS. HAMIRANI: (In English) Yes. Yes.

21 HEARING OFFICER: Yes. Okay.

22 Go ahead, Ms. Kersey.

23 THE WITNESS: I just want to add that the
24 inspection was done on 6/15, but the new shop
25 was not applied for until 6/23, the shop

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1 license that she showed us, so it was eight
2 days after the inspection.

3 HEARING OFFICER: All right.

4 MS. HAMIRANI: Okay. From 2009 to you
5 2012 I did renew my license, and then after
6 2012 I -- cosmetology inspector came and said
7 you do not have to do this, renewing the
8 license, because I only doing threading,
9 nothing else; so that's why I just stopped
10 renewing my license.

11 Because the lady came and then after that
12 when the lady came, the other day, the day they
13 were saying -- the lady came and told me that,
14 yeah, I have to have a license, so after that I
15 did apply for license.

16 HEARING OFFICER: All right. Any other
17 questions of Ms. Kersey?

18 MS. PICKERING: No further questions of
19 Ms. Kersey.

20 HEARING OFFICER: All right. At this
21 time, for the interpreter, and I think she'll
22 understand this because she has some command of
23 English, it is her turn to ask this witness
24 questions.

25 BY MS. HAMIRANI:

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1 Q Okay. My first thing is when I call, call the
2 cosmetology department, they say they don't know the
3 answer, they don't know the answer or they say you don't
4 need license for this.

5 As well at the salon I had, it's the first floor, as
6 the --

7 MS. HAMIRANI: (In English) Uh-huh.

8 Because salon, public restroom because be in
9 the mall. Public restroom or --

10 HEARING OFFICER: She needs a moment, I
11 think, to compose herself. Hold on.

12 Go ahead, take your time. Don't rush.

13 INTERPRETER: What I -- I heard so far was
14 I actually saying that her -- my salon in the
15 mall but I've had salon with a public toilet,
16 and the toilet, somehow the water was coming
17 into the salon and so she complained to the
18 mall.

19 Then she broke down, I didn't hear
20 anything else.

21 MS. HAMIRANI: Okay. So the mall just
22 close down the salon at the time, because they
23 say the problem with the water was coming out
24 in the salon I take to the mall just -- the
25 water that they closed off of the salon, and

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1 they told me that (inaudible).

2 HEARING OFFICER: Could you say that last
3 little bit? What was the problem?

4 MS. HAMIRANI: The mall, kiosk, they
5 replace the wall, the water was the problem,
6 the toilet to the salon, and the mall close the
7 salon because not -- not further access at the
8 date, same problem with there.

9 INTERPRETER: She is cutting off, Officer.
10 She is cutting off now. I can't understand
11 what you are saying.

12 MS. HAMIRANI: (In English) Hello?
13 Hello?

14 HEARING OFFICER: I understand. You
15 were -- you were cutting off to us a little
16 bit. Hold on. Let me --

17 INTERPRETER: Maybe another interpreter,
18 Officer, maybe we can get a better connection
19 because this is really bad, I cannot understand
20 what she is saying at the moment.

21 HEARING OFFICER: Okay. How do we get
22 back directly to you?

23 INTERPRETER: Do they have another
24 interpreter?

25 HEARING OFFICER: No. You're the first

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1 interpreter we got that knew English and Hindi.

2 What's your interpreter number?

3 Your interpreter number?

4 INTERPRETER: My interpreter -- oh, my
5 interpreter number is 217309. 217309.

6 HEARING OFFICER: Let me repeat that back.
7 217309?

8 INTERPRETER: Yes, sir.

9 HEARING OFFICER: All right. I think
10 we're going to try and establish a better
11 connection, but we would like to have you back
12 because you were --

13 INTERPRETER: Sure. No problem.

14 HEARING OFFICER: -- you were our third
15 attempt and you've been -- you've been doing
16 good, despite the technical difficulties. So
17 wait one moment and we --

18 INTERPRETER: My name Zares, you might
19 need my name Zares, Z-a-r-e-s; but maybe we can
20 transfer right now and maybe they can get us,
21 connect us better and do something. I could
22 get that try but --

23 HEARING OFFICER: I was talking to our
24 people if we had a better, a better system to
25 call into, a better number.

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1 MS. KNOPP: Maybe she can call this
2 number, (877)810-9415.

3 HEARING OFFICER: (877)810-9415, can you
4 call us at this number?

5 MS. KNOPP: There is an access number, she
6 might need that, 2591975.

7 HEARING OFFICER: All right. Would you be
8 able to call in to this number?

9 MS. KERSEY: Just try to call --

10 HEARING OFFICER: All right. Well --
11 we'll try to call you again here in a minute.

12 All right. Thank you.

13 INTERPRETER: Our office system is -- so
14 should I disconnect now?

15 HEARING OFFICER: Yes, just disconnect,
16 we're going to try to call you on this other
17 line and see if that works. Thank you.

18 INTERPRETER: You know what, I'm so sorry
19 about the whole thing. Thank you.

20 HEARING OFFICER: Yeah. Thank you very
21 much for your work.

22 All right.

23 (WHEREUPON, a brief discussion was held
24 off the record.)

25 HEARING OFFICER: I forgot where we were

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1 at, unfortunately, so I believe we were asking
2 questions of Ms. Kersey -- or testifying to
3 what happened with the mall location being
4 closed?

5 INTERPRETER: Yes. Yes.

6 HEARING OFFICER: Is there anything we
7 need to add to that, Ms. Hamirani?

8 MS. HAMIRANI: (In English) Yes, just a
9 little bit.

10 INTERPRETER: Okay. She's saying, you
11 know, when this situation happened, it's only
12 for three or four days, you know, I did not
13 understand what to do.

14 MS. HAMIRANI: (In English) Excuse me.
15 Excuse me.

16 (Interpreted) I didn't know if I was to
17 get a new license or what I had, it's okay.
18 The license we had is only for threading,
19 normally we don't do wax but sometimes we have
20 to keep a little wax pot because sometimes the
21 clients don't like threading and then with one
22 eyebrow threaded and the other eyebrow not,
23 then we have to get wax, otherwise they have to
24 go home without -- with two different eyebrows,
25 so that's why we, you know, we -- but we prefer

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1 not to do the waxing because we -- we -- we
2 promote to do threading only.

3 The mall told us that if we take on the
4 little -- the mall will take about four weeks,
5 four to -- from three to four weeks, a month,
6 maybe, to fix everything because the restroom,
7 it was leaking, so all this problem will take
8 time to fix. So I didn't understand whether I
9 have to take on another license or if this
10 license will work on the other. It's the same
11 address, so I -- that's why I could not figure
12 out what to do.

13 MS. PICKERING: Excuse me. Mr. Hearing
14 Officer, if I may ask, if I could go ahead and
15 call my next witness, Ms. Smith, the inspector,
16 and complete our case and then allow the
17 Respondent a chance to respond to the
18 allegations.

19 HEARING OFFICER: Sure. We can do that.
20 At this time we're going to move on to the
21 second witness, and Ms. Hamirani will have a
22 chance to explain everything on her side after
23 this witness. Does she understand that?

24 MS. HAMIRANI: Okay. Okay.

25 MS. PICKERING: I would like to call --

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1 can you hear me okay, Interpreter?

2 INTERPRETER: Yeah. I can hear you. A
3 little louder will be fine but I can hear you.

4 MS. PICKERING: Okay. I'll try to speak
5 louder.

6 I would like to call Ms. Yvonne Smith.

7 WHEREUPON,

8 YVONNE SMITH,

9 having been called for examination, and having been first
10 duly sworn by the Hearing Officer, was examined and
11 testified, as follows:

12 DIRECT EXAMINATION

13 BY MS. PICKERING:

14 Q Would you state your name and occupation?

15 A Yes, Yvonne Smith, Cosmetology and Massage Therapy
16 Inspector.

17 HEARING OFFICER: Go ahead, Interpreter.

18 MS. HAMIRANI: (In English) Uh-huh.

19 Okay.

20 BY MS. PICKERING:

21 Q Okay. Ms. Smith, did you inspect Unique Brow
22 Salon --

23 A Yes.

24 Q -- as part of your duties?

25 A Yes. Yes, I did.

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1 INTERPRETER: I'm sorry. Can you repeat
2 that question?

3 MS. PICKERING: I asked Ms. Smith if she
4 inspected Unique Brow Salon as part of her
5 duties.

6 THE WITNESS: Yes.

7 BY MS. PICKERING:

8 Q Okay. Ms. Smith, could you tell the committee about
9 your -- your inspection and what you found?

10 A Okay. I went to the salon on just a routine
11 inspection at the mall and I stopped by because they were
12 advertising lashes and they had a wax pot on, things like
13 that. And so I stopped and asked for their license and
14 the worker that was there said that they were not
15 licensed -- that they didn't have a license. So I called
16 the office and got the information on the salon and they
17 said that they had closed, whatever date I had on
18 there -- 12/31/2012. So the salon -- the license that
19 were on file had -- the salon had been closed.

20 HEARING OFFICER: Let the interpreter --

21 INTERPRETER: Okay.

22 MS. HAMIRANI: Okay. I -- I already
23 mentioned that after 2012 -- 2012 I did not
24 renew the license. And I work from 12:30 to
25 seven, the wax pot was there for me. The lady

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1 who was working was threading and she doesn't
2 need a license.

3 BY MS. PICKERING:

4 Q Ms. Smith, can you go into a little bit more detail
5 about the cosmetological services that you saw that were
6 being provided at this location?

7 A When I was there, the worker that was there was
8 doing threading, but there was a wax pot that was on and
9 it was warm. I saw posters that had, like, lashes and
10 things like that. There was eyelashes in a container, a
11 lot of eyelashes, there was glue, bonding glue, remover.
12 But she wasn't -- the lady that was there was treading
13 only.

14 MS. HAMIRANI: Because I -- I use that, I
15 use that on 12:32, I start working 12:30, so I
16 sometimes call them and then I have them to
17 turn on the wax pot, keep it warm and I have
18 things ready. That's the reason that, yes, and
19 the inspector came at that time also.

20 MS. PICKERING: Okay. I have no further
21 questions at this time.

22 HEARING OFFICER: Okay. At this time now,
23 Ms. Hamirani, you can ask questions of
24 Ms. Smith.

25 INTERPRETER: Okay. She is saying that

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1 the lady who was doing -- was doing wax -- or
2 threading only, only threading, inspector gave
3 her \$500 ticket, but she was only doing
4 threading, nothing else. And that that lady
5 quit the job, she left because, you know, she
6 said it was too much for her.

7 Because this is very new here and --
8 threading, and it's very hard to find employee
9 here who can do threading.

10 HEARING OFFICER: Is she charged with
11 threading without a license?

12 MS. PICKERING: No. It's just an
13 establishment license.

14 BY MS. PICKERING:

15 Q If I could clarify, Ms. Smith, did you give a \$500
16 fine to the -- to the employee who was working or was the
17 fine to the establishment?

18 A No. To the establishment only.

19 HEARING OFFICER: And what was that fine
20 for?

21 Sorry.

22 MS. PICKERING: No. Thank you.

23 BY MS. PICKERING:

24 Q What was the -- was the fine issued to the
25 establishment -- what was the fine issued for? What was

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1 the violation that you found?

2 A Unlicensed salon.

3 Q Okay. Thank you.

4 You did -- you did not have an issue with the
5 employee's license?

6 A No.

7 MS. PICKERING: Okay.

8 MS. HAMIRANI: I got both tickets and I
9 went to the department and complained and I
10 told them that they need to waive the ticket,
11 but -- but I lost my employee.

12 HEARING OFFICER: Any further questions of
13 this witness?

14 MS. HAMIRANI: (In English) No, I'm fine.

15 HEARING OFFICER: No from Ms. Hamirani.

16 Does the committee's attorney want to ask
17 any more questions?

18 MS. PICKERING: I have just one more
19 question.

20 BY MS. PICKERING:

21 Q There has been a discussion -- a discussion about
22 threading. Was the -- was the violation found because of
23 threading or because of the other -- or why -- why did
24 you find there to be a violation?

25 A Because they were advertising cosmetology services,

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1 the wax pot, the lashes, the eyelash poster, things like
2 that.

3 MS. PICKERING: Okay. Thank you. I have
4 no further questions.

5 MS. HAMIRANI: The lady quit the job and
6 left and she said for saying I have to pay
7 \$500, she -- she's quit the job.

8 Okay. I -- the reason I was doing this,
9 because I -- I had the -- the license from
10 downstairs. I do not know what downstairs
11 she's talking about, and the downstairs license
12 was there. And I was doing it because, you
13 know, I had license for myself and I didn't
14 have any other place to do this, so that's what
15 I was doing over there. It was me who was
16 doing --

17 HEARING OFFICER: Thank you. I think we
18 have -- we're going to excuse this witness and
19 let Ms. Hamirani testify now.

20 Is that okay for the State's attorney?

21 MS. PICKERING: Yes.

22 HEARING OFFICER: All right. You are so
23 excused.

24 And, Ms. Hamirani, you may now just
25 testify in your own defense. Okay?

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1 MS. HAMIRANI: Okay.

2 HEARING OFFICER: You can testify now.

3 MS. HAMIRANI: I can testify now? What
4 should I say or what should I do now? I'm not
5 understanding.

6 HEARING OFFICER: Explain what you did,
7 why did you it, and what you would like this
8 committee to do.

9 MS. HAMIRANI: Okay.

10 WHEREUPON,

11 MINA HAMIRANI,
12 having been called for examination, and having been first
13 duly sworn by the Hearing Officer, was examined and
14 testified, as follows:

15 DIRECT TESTIMONY

16 THE WITNESS: Okay. What I am
17 understanding here, Mr. Officer, that I am
18 doing -- I did this because, you know, my salon
19 was closed down so I was doing it for myself, I
20 put the license at the top, and then I started
21 doing this for myself to survive, to do the
22 lashes and the waxing. And I already called
23 and let them know. Maybe my English is not
24 that good, maybe there was a miscommunication
25 or something each there because I do not speak

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1 that well of English.

2 Okay. I understand and I don't have any
3 problems with the fine also, but right now I
4 won't be able to give the fine, and I cannot
5 afford to do that at this point.

6 (In English) I think so that's only I
7 wanted to say that.

8 (Interpreted) That's all I wanted to say.

9 HEARING OFFICER: All right. Thank you.
10 Do you have any questions?

11 MS. PICKERING: I have no questions.

12 HEARING OFFICER: No questions.

13 And I haven't asked the committee if they
14 have questions for anybody today. Does the
15 committee have questions for anybody -- we'll
16 recall them -- or for this witness, just let me
17 know. And we're being very, very informal
18 today. So --

19 MS. WARE: I have a question.

20 HEARING OFFICER: Go ahead.

21 MS. WARE: I want to know about the
22 licensing downstairs, that's what I'm not
23 understanding.

24 HEARING OFFICER: Okay. Do you want to
25 ask that of Ms. Kersey or Ms. Hamirani?

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1 MS. WARE: Ms. Hamirani. She said she had
2 a license downstairs.

3 THE WITNESS: She is -- she doesn't
4 understand why you have my license number,
5 everything, my phone number, everything,
6 without asking me, why did you close my salon,
7 because I have license and everything. That's
8 my question.

9 She said, the lady who came, she told me
10 to do kiosk license so I did that. Now if I
11 have to do start to do and I cannot use this
12 kiosk license, I already pay \$150 twice, so now
13 this is a waste for me, \$300. I have to apply
14 a new license to start the salon.

15 MS. WARE: Was the 150 --

16 MS. PICKERING: If I may, may Kelli Kersey
17 respond to that, because she's familiar with
18 the licensure with both establishments and what
19 she's done now as far as licensing.

20 MS. KERSEY: Okay. So what she's talking
21 about downstairs is where Unique Brow Art used
22 to be. It's not there anymore, it's in a kiosk
23 upstairs.

24 MS. WARE: It's upstairs?

25 MS. KERSEY: Has not been licensed since

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1 2012. Okay?

2 MS. WARE: Okay.

3 MS. KERSEY: She does have another salon
4 in the mall. That's --

5 MS. WARE: So she got, like, two?

6 MS. KERSEY: She has -- yep, she has two.

7 MS. WARE: Okay.

8 MS. KERSEY: But they are both upstairs;
9 ones a cart, ones a kiosk.

10 MS. HAMIRANI: (In English) No, ones in a
11 salon license --

12 MS. KERSEY: You know, but it's still out
13 in the mall, it's not in a door. You know,
14 it's in one of those little things in the
15 middle. Okay?

16 MS. WARE: Okay. Got you.

17 MS. KERSEY: All right. It's down by the
18 Regal Cinema, one of them.

19 MS. HAMIRANI: (In English) No.

20 MS. KERSEY: It's not?

21 MS. WARE: No?

22 MS. HAMIRANI: (In English) No.

23 MS. KERSEY: That's not the one we're
24 talking about. She has one there, she has one
25 on the other end. When Yvonne went to inspect,

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1 it was by the Nut Hut. We went out on
2 Thursday, it is now on the other side. It's
3 even moved again. Okay. It does have a
4 license now but it did not.

5 MS. WARE: Then?

6 MS. KERSEY: Right.

7 MS. WARE: Okay.

8 MS. KERSEY: Okay?

9 MS. PICKERING: And, Ms. Kersey, are we
10 talking about any of these other establishments
11 today in this hearing?

12 MS. KERSEY: No, ma'am.

13 MS. PICKERING: Are we only talking about
14 the one?

15 MS. KERSEY: That's correct, we're only
16 talking about that one.

17 MS. PICKERING: And was it licensed at the
18 time that Ms. Smith inspected?

19 MS. KERSEY: It was not.

20 HEARING OFFICER: Can my interpreter hear
21 that?

22 INTERPRETER: Part of it. I do not
23 understand this part.

24 So there is two salons, occupy both salons
25 here?

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1 MS. KERSEY: Yes.

2 MS. HAMIRANI: (In English) No, that's
3 not right.

4 INTERPRETER: Okay. What I hear, that
5 there are two salons, right?

6 MS. HAMIRANI: (In English) Yes.

7 INTERPRETER: This is a clarification, the
8 interpreter needs a little bit of
9 clarification, ma'am. So you're saying that
10 she has two salons, and they have -- they are
11 operating the salons without a license, right?

12 MS. KERSEY: They are both licensed now,
13 but at the time of the inspection --

14 MS. HAMIRANI: (In English) No. No, the
15 salon we -- we -- has downstairs, it's been
16 licensed since we open, and I have a copy right
17 now, it's current, and she can check the
18 record. That's never been unlicensed before.

19 MR. PAXTON: That's not the question.

20 MS. KERSEY: No, we're not talking --
21 we're not even talking about that.

22 HEARING OFFICER: I don't think she
23 understands that.

24 MS. WARE: We're talking about the one
25 upstairs, right?

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1 MS. KERSEY: Right.

2 MS. WARE: Okay.

3 INTERPRETER: Okay. So you're talking
4 about some other spot, Miss?

5 HEARING OFFICER: I think the interpreter
6 asked for clarification, and correct me if I'm
7 wrong, but I believe --

8 INTERPRETER: Yes, please, can you clarify
9 here please -- this is the interpreter --

10 HEARING OFFICER: Yes.

11 INTERPRETER: -- so I can explain your
12 client?

13 HEARING OFFICER: Yes. Well, yeah. Not
14 our client, but I'm the Hearing Officer and I'm
15 trying to make this fair.

16 The thing is, she's talking about a
17 license for a salon that's downstairs in the
18 mall that was licensed, not inspected, maybe
19 not even operating when they inspected because
20 there was some issues with the plumbing. Now I
21 understand that she was operating a kiosk
22 that's movable, maybe in different locations
23 upstairs in the mall. That's the unlicensed
24 establishment that she got the citation for.

25 Am I correct on that, what I said, from

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1 the committee's attorney?

2 MS. PICKERING: Yes, sir. You're correct.

3 HEARING OFFICER: Okay. That's what we
4 need to explain to her.

5 MS. HAMIRANI: (In English) Okay.

6 INTERPRETER: Okay.

7 MS. HAMIRANI: Okay. What I am trying to
8 explain is I know I don't have a license for
9 the kiosk, but I thought it was only for a few
10 days so I was trying to use my downstairs
11 license, salon license, kept it at the top and
12 trying to serve my customer from kiosk to my
13 that salon license. I did not understand that
14 I cannot do this because, you know, I was
15 thinking it was only for a few days, so do I
16 have to do another license or I can -- I
17 thought I could use this license, the one I
18 have to use in my kiosk also, the one I had for
19 the salon.

20 INTERPRETER: Do you understand what she
21 was trying to do?

22 MS. WARE: Yes.

23 INTERPRETER: Did I explain it right?
24 This is the interpreter.

25 HEARING OFFICER: Yeah. I believe you

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1 explained it correct, I believe. Is that
2 right, for the committee?

3 Members that had the questions, is that
4 explained?

5 MS. WARE: Yeah. But I think I'm confused
6 still about the 12/31/12, when the salon
7 closed. So she had a license for downstairs
8 current for this year?

9 MS. HAMIRANI: (In English) Yes.

10 INTERPRETER: But the license, she -- she
11 was trying to use the same license upstairs for
12 the kiosk. That's what she's trying to say.
13 But it was only for a few days, so she was
14 trying to serve her customer with the same
15 license. She was trying to using the same
16 license for the kiosk.

17 MS. HAMIRANI: (In English) Also they
18 confuse one other thing.

19 That's not my mistake.

20 INTERPRETER: Okay. She doesn't think
21 it's her mistake because the inspector came and
22 they closed that salon without -- without
23 giving any notification to her. She did not
24 know why -- why the salon was closed. So that
25 right now that license, my contract closed, and

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1 I -- that I pray that I don't have license,
2 which I did not know, because it was closing
3 without any my -- without any my knowledge. My
4 license was -- my salon was closed without my
5 knowledge.

6 MS. WARE: But she had said it was closed
7 on 12/31/12?

8 MS. HAMIRANI: (In English) No, that's
9 the different. That's the --

10 MS. WARE: That's the downstairs, right?

11 MS. HAMIRANI: (In English) No, that's
12 kiosk.

13 MS. PICKERING: Ms. Ware, it was the
14 Unique Brow Salon. That license expired in
15 2012.

16 MS. KERSEY: And that's what we're talking
17 about today.

18 MS. PICKERING: And I would move to say
19 that that's irrelevant information that does
20 not need to be considered.

21 MS. KERSEY: Right. Because we're just
22 talking about Unique Brow Salon --

23 MS. PICKERING: Unique Brow --

24 MS. KERSEY: -- the kiosk, the one that is
25 on the notice today.

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1 She admitted the license expired in 2012,
2 she relicensed five days after, moved it, but
3 at the time period that it was inspected, it
4 had not been licensed in 2012.

5 MS. WARE: Okay. Thank you.

6 HEARING OFFICER: So for clarity in the
7 record, we refer to the upstairs as the kiosk
8 and the downstairs as the salon? Is that
9 acceptable?

10 They have the same name then?

11 MS. KERSEY: No.

12 HEARING OFFICER: No, they don't? What's
13 the downstairs one name then?

14 MS. KERSEY: Brow Anna's.

15 HEARING OFFICER: Anna's. Okay. All
16 right.

17 Sorry for that, but I was pretty confused
18 myself.

19 MS. PICKERING: You're okay.

20 MS. KERSEY: Yeah. It's real confusing.

21 MS. WARE: Okay. One more question.

22 HEARING OFFICER: But let's make sure that
23 she understands, this is only about the license
24 for your kiosk.

25 MS. HAMIRANI: (Nodding head up and down.)

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1 HEARING OFFICER: Do you understand that?

2 MS. HAMIRANI: (In English) Yes.

3 HEARING OFFICER: Could my interpreter
4 make sure she understands?

5 MS. HAMIRANI: (In English) Yeah, I
6 understand.

7 (Interpreted) Okay. Well, I understand
8 what's going on but, you know, I thought that
9 only for a couple weeks I have to take a
10 license for kiosk, I did not understand that
11 part, so I thought I can use my salon license
12 at kiosk for a couple of weeks and that -- that
13 was -- that's what I did. I -- I -- I did not
14 do intentionally. I thought it's okay to use
15 my salon license at kiosk.

16 MR. PAXTON: Does she understand now that
17 she cannot do that? Does she understand now
18 that she can't do that? Doesn't matter if she
19 has --

20 MS. HAMIRANI: So with this kind of
21 situation, I'm supposed to apply for license
22 just for three or four weeks, after I have that
23 other license and pay \$150?

24 MR. PAXTON: That's correct.

25 MS. HAMIRANI: (In English) Okay.

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1 That's -- I don't have that much money to spend
2 for like a week -- three or four weeks.

3 INTERPRETER: It's not -- I don't think
4 it's worth it only for three weeks to pay \$150,
5 she doesn't think it's right.

6 MS. JONES: Okay. No further questions.

7 HEARING OFFICER: Any further questions of
8 this witness or any witness, actually?

9 Sorry.

10 MS. HAMIRANI: (In English) I don't think
11 so.

12 HEARING OFFICER: Does the committee have
13 any questions?

14 MS. WARE: So she has a license? She has
15 a salon license -- I mean a cosmetology
16 license?

17 MS. HAMIRANI: (In English) Yes, I have
18 cosmetology and manicurist work license.

19 MS. WARE: Okay.

20 HEARING OFFICER: All right. If there are
21 no further questions from the committee,
22 committee's counsel have any further questions?

23 MS. PICKERING: No. I don't have any
24 further questions.

25 HEARING OFFICER: All right. Do either of

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1 you wish to make a closing argument at this
2 time?

3 MS. PICKERING: I would just like to
4 briefly state that, although there has been
5 some confusing facts and some confusing
6 conversation itself, it's a really pretty
7 simple case. Unique Brow Art Salon was
8 operating as a cosmetology establishment
9 without a license, I think that's undisputed,
10 that's been proven, and that's all I have to
11 say.

12 HEARING OFFICER: Ms. Hamirani, did you
13 understand that or did your interpreter need to
14 let you know what she said?

15 MS. HAMIRANI: (In English) No. I
16 understand.

17 HEARING OFFICER: Thank you. Do you have
18 a closing statement you would like to make?

19 MS. HAMIRANI: (In English) They should
20 know everything, right?

21 (Interpreted) Okay. That's all I have.
22 I am a cosmetologist and I did licensing but,
23 you know, I've done it for a long time back
24 now, system is changing now, whatever. But
25 whenever we call to the Department, they don't

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1 have the answer, they don't know what to say,
2 they keep say they don't know, so then what
3 should we do? I do whatever I think is right,
4 that's what I do. That's what I did. They
5 don't give the right answer to us.

6 HEARING OFFICER: I'm sorry. Is that --
7 is that the conclusion of your statement?

8 MS. HAMIRANI: Okay. My -- because this
9 is very -- you know, going not very well, it's,
10 like I've lost, so the reason I came here was
11 because this is suffering now and I came here
12 to let you know that I cannot pay the fine at
13 this point. I don't have the money to pay the
14 fine. That's why I have -- I have come here
15 today.

16 HEARING OFFICER: Thank you, Ms. Hamirani,
17 for that.

18 At this time we will go off the record for
19 the committee's recess for deliberations and a
20 decision regarding the findings of fact,
21 conclusions of law, or any penalties to be
22 handed down. Once the committee reaches a
23 decision we will go back on the record.

24 The deliberations are open to the public
25 under the Freedom of Information Act, all

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1 parties may remain and observe the
2 deliberations.

3 We are now off the record.

4 (WHEREUPON, the Committee retired to
5 deliberate, off the record, from 10:59 a.m. to
6 11:03 a.m., and returned with the following
7 decision:)

8 HEARING OFFICER: We will now go back on
9 the record for the committee's decision.

10 MS. BOYDSTON: We will take a vote on what
11 you --

12 MS. KERSEY: You've got to have a motion.

13 HEARING OFFICER: Do you have a motion?

14 MS. JONES: I would like to make a motion
15 In The Matter of Unique Brow Art Salon, that
16 the fine of \$500 stand for the not having a
17 license, establishment.

18 MS. WILSON: I second the motion.

19 MS. BOYDSTON: All in favor?

20 COMMITTEE MEMBERS: Aye.

21 MS. BOYDSTON: All opposed?

22 Motion carries.

23 HEARING OFFICER: All right. Please
24 reduce the Board's decision to writing and make
25 or attempt service upon all parties. The

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1 Respondent -- if the Respondent cares to appeal
2 the decision, appeal can be taken under any
3 specific provision related to this board, or
4 under the APA -- I'm sorry, the Arkansas
5 Administrative Procedures Act, found at
6 Arkansas Code Annotated 25-15-201.

7 Are there any other questions or comments
8 at this time?

9 And just to be clear, you said to let the
10 fine stand. What was that fine amount, because
11 I'm not sure it's in the notice that -- that
12 Ms. Hamirani got.

13 MS. JONES: 500.

14 HEARING OFFICER: Because what I'm looking
15 at says 1,000.

16 MS. BOYDSTON: It's on Page 6.

17 HEARING OFFICER: All right. So for the
18 record, the fine will stand at 500 then.

19 Thank you.

20 This hearing is concluded and the record
21 is closed.

22 (WHEREUPON, at 11:04 a.m., the
23 above-entitled proceedings were concluded.)

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Public comment was a question concerning reciprocal
licensing.

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The meeting was adjourned.

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(WHEREUPON, at 11:06 a.m., the

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above-entitled proceedings were concluded.)

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1 CERTIFICATE

2

3 STATE OF ARKANSAS)

4 COUNTY OF PULASKI)

5

6 I, SUSAN B. WHITSON, Certified Court Reporter
7 and notary public in and for Pulaski County, State of
8 Arkansas, do hereby certify that the meeting and hearing,
9 held before the Arkansas Department of Health,
10 Cosmetology Technical Advisory Committee, held September
11 18, 2017, was taken by me in Stenotype and was reduced to
12 computer-generated typewritten form by me or under my
13 direction and supervision; that the witnesses were duly
14 sworn by the Hearing Officer; and that the same is a true
15 and correct reflection of the proceedings that occurred,
16 to the best of my knowledge and ability.

17 I FURTHER CERTIFY that I am neither counsel
18 for, related to, nor employed by any of the parties to
19 the action in which these proceedings were taken; and,
20 further that I am not a relative or employee of any
21 attorney or counsel employed by the parties hereto, nor
22 financially interested, or otherwise, in the outcome of
23 this action; and that I have no contract with the
24 parties, attorneys, or persons with an interest in the
25 action that affects or has a substantial tendency to

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1 affect impartiality, that requires me to relinquish
2 control of an original transcript or copies of the
3 transcript before it is certified and delivered to the
4 custodial attorney, or that requires me to provide any
5 service not made available to all parties to the action.

6 SIGNED AND SWORN this 3rd day of
7 October 2017.



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Susan B. Whitson

SUSAN B. WHITSON, CCR, #158
NOTARY COMMISSION #12388076
NOTARY PUBLIC IN AND FOR
PULASKI COUNTY, ARKANSAS

My Commission Expires: June 4, 2022.

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