

SOUTH DAKOTA DEPARTMENT OF LABOR AND REGULATION
SOUTH DAKOTA COSMETOLOGY COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501-7175

IN THE MATTER OF

Case O - 2014

LY THI HOANG
License No. EO-10279-2016,
License No. NT-08771-2016

CONSENT AGREEMENT

and

CLASSIC NAILS,
License No. LS-05850-2016

Respondents

In consideration of the above matter and in lieu of issuance of a notice of hearing and formal hearing, the undersigned parties do hereby consent and agree to the following:

1. Ly Thi Hoang is a licensed esthetician and nail technician with the South Dakota Cosmetology Commission. Her personal license numbers are EO-10279-2016 and NT-08771-2016.
2. Classic Nails is a licensed limited services salon with the South Dakota Cosmetology Commission, located in Rapid City, SD. The salon's license number is LS-05850-2016 and its owner on record is Ly Thi Hoang.
3. On or about September 17, 2014, Classic Nails, through its agent Ms. Hoang, mailed to the Commission office a check in the amount of \$135.00, for the license

renewals of Morgane Locke, Linh Thi Nguyen, Quang Tran, Ly Thi Hoang, and Classic Nails.

4. When the Commission staff began processing the renewals submitted by Classic Nails, the staff realized that Quang Tran had already renewed his license.
5. Due to this conflict, the Commission staff began investigating the renewals of Morgane Locke, Linh Thi Nguyen, and Quang Tran.
6. Upon further investigation, the Commission staff learned that Morgane Locke moved to California in June 2012 and has not worked at Classic Nails since that time.
7. In October 2012, Ms. Locke's license was renewed with a change of address to the same address of Classic Nails. Ms. Locke's license was also renewed in 2013.
8. Ms. Hoang and Classic Nails did not have permission from Ms. Locke to renew her license in 2012, 2013 and 2014 and had no reason to do so.
9. Upon further investigation, the Commission staff learned that Quang Tran stopped working at Classic Nails in January 2014 and moved back to Oklahoma. Since that time, Quang Tran has renewed his license and moved it to Oscar Nails in Brookings, South Dakota.
10. Ms. Hoang and Classic Nails did not have permission from Mr. Tran to renew his license in 2014 and had no reason to do so.
11. The above described conduct constitutes grounds for disciplinary action against Ms. Hoang and Classic Nails in South Dakota pursuant to SDCL 36-15-56(1) and

SDCL 36-15-58, as it is illegal to attempt to or procure a license by fraud or deception, which is also an act of unprofessional or dishonorable conduct.

12. Ms. Hoang and Classic Nails are aware that they may choose to be represented by legal counsel in this matter.
13. Ms. Hoang and Classic Nails are aware of and understand the nature of this matter and have been informed of their right to legal counsel, notice, hearing, and appeal, and that by agreeing to and signing this Consent Agreement, they waive all procedures and proceedings before the Commission to which they may be entitled under state or federal law.
14. Ms. Hoang and Classic Nails understand that by executing this agreement, the Commission is making a finding that Ms. Hoang and Classic Nails have violated SDCL 36-15-56(1) and SDCL 36-15-58. In addition, Ms. Hoang and Classic Nails understand that by executing this agreement, disciplinary action is being taken against them.
15. In return for Ms. Hoang's and Classic Nails' agreement to the provisions of this Consent Agreement, the Commission agrees not to proceed to a formal administrative hearing and agrees that this Consent Agreement will constitute the final agency disposition of this matter.
16. Ms. Hoang and Classic Nails agree, in lieu of contesting this matter formally, to voluntarily accept the following terms and conditions for entry of this Consent Agreement:

- a. Ms. Hoang's licenses, #EO-10279-2016 and #NT-11762-2014, will be suspended for a period of 30 days with 23 days being held in abeyance. Ms. Hoang's licenses will actively be suspended for 7 days from May 15, 2016, through May 21, 2016;
- b. The remaining 23 days of suspension for both licenses will be held in abeyance for a period of 1 year, beginning on the effective date of this agreement, so long as the following conditions are met:
 - 1) Ms. Hoang will comply with all laws and regulations relating to their profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the effective date of this Agreement;
 - 2) Ms. Hoang will successfully pay for and successfully complete the online course entitled "Infection Control Online Class", sponsored by Milady, found at www.miladypro.com. Ms. Hoang must submit to the Commission the Certificate of Completion received after successful completion of the course by June 30, 2016; and
 - 3) Ms. Hoang will successfully pay for and successfully pass the Commission's State Laws exam by June 30, 2016. The cost of the exam is \$50.00;
- c. Classic Nails' license, #LS-05850-2016, will be suspended for a period of 30 days with 23 days being held in abeyance. Classic Nails' license will actively be suspended for 7 days from May 15, 2016, through May 21, 2016;

- d. The remaining 23 days of suspension for the salon's license will be held in abeyance for a period of 1 year, beginning on the effective date of this agreement, so long as the following conditions are met:
- 1) Classic Nails will comply with all laws and regulations relating to its profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the effective date of this Agreement; and
 - 2) Classic Nails will be subject to additional inspections for a period of one year from the date of execution of this Agreement. Ms. Hoang, as owner of the salon, will make a onetime payment to the Commission for the additional expenses of the inspections in the amount of \$350.00 by June 30, 2016.
17. Ms. Hoang and Classic Nails agree that if either party fails to comply with Paragraph 16 and all of its subsections, as they relate to both parties, then the additional 23 days of suspension being held in abeyance shall become effective immediately against the noncompliant party, beginning the first full day after the Commission staff becomes aware of non-compliance with this Agreement.
18. Ms. Hoang and Classic Nails understand that the terms of this Consent Agreement will be public.
19. Ms. Hoang and Classic Nails understand that nothing in this Consent Agreement will be deemed to restrict the Commission from raising facts in reference to Ms. Hoang and Classic Nails outside of those set forth in this Consent Agreement, if

there are other material facts related to the matters under investigation that have not been set forth or disclosed herein.

20. Ms. Hoang and Classic Nails consent, agree, and acknowledge that this Consent Agreement must be submitted to the Commission for acceptance or rejection. In the event the Commission rejects the recommendations for resolution by Consent Agreement, Ms. Hoang and Classic Nails waive any right to claim prejudice or to request recusal of any board member by reason of any factual basis submitted to the Commission in an effort to resolve this matter by Consent Agreement rather than by formal proceeding.
21. Ms. Hoang and Classic Nails understand that this Consent Agreement may be considered in any future licensing procedures with the Commission and for the purposes of determining the appropriate sanctions in any future actions by the Commission for any violations of laws or regulations of the State of South Dakota or for failing to abide by any order of the Commission.
22. Ms. Hoang and Classic Nails have read, understand, and agree to this Consent Agreement and are freely and voluntarily signing it. This Consent Agreement contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. Ms. Hoang and Classic Nails are not relying on any other representations of any kind, verbal or otherwise.
23. If this Consent Agreement is approved by the Commission, a copy of the executed Consent Agreement will be served by first class mail on Ms. Hoang at the address

of 5128 Coal Bank Dr., Rapid City, SD 57701, and Classic Nails at the address of
1612 Eglin St., Suite 500, Rapid City, SD 57701.

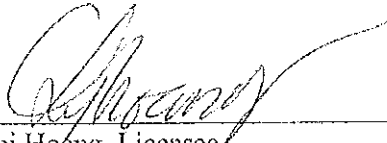
Dated this _____ day of _____, 2016.

South Dakota Cosmetology Commission

Chairperson

I have read and understand the terms of this Consent Agreement and I understand that I am
waiving my due process rights and my right to a hearing. I am voluntarily entering into this
agreement.

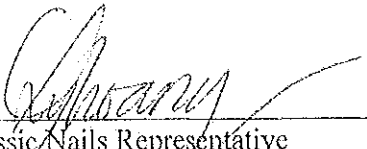
Dated this 10 day of April, 2016



Ly Thi Hoang, Licensee
License No. EO-10279-2016
License No. NT-08771-2016

I, LY HOANG, a representative of Classic Nails, have read and understand the
terms of this Consent Agreement and I understand that I am **waiving my due process rights and**
my right to a hearing. I am voluntarily entering into this agreement.

Dated this 10 day of April, 2016



Classic Nails Representative
Salon License No. AS-05850-2016

SOUTH DAKOTA DEPARTMENT OF LABOR AND REGULATION
SOUTH DAKOTA COSMETOLOGY COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501-7175

IN THE MATTER OF

Case T - 2014

**LACEY MAE WAMBEKE,
License No. CO-12709-2016,
Booth Lic. No. CB-07603-2016**

CONSENT AGREEMENT

Respondent

In consideration of the above matter and in lieu of issuance of a notice of hearing and formal hearing, the undersigned parties do hereby consent and agree to the following:

1. Lacey Mae Wambeke is a licensed cosmetologist with the South Dakota Cosmetology Commission. Her personal license number is CO-12709-2016 and her booth license number is CB-07603-2016.
2. Ms. Wambeke first became a licensed cosmetologist in South Dakota on June 10, 2015.
3. Ms. Wambeke first became a licensed booth operator in South Dakota on June 3, 2015, operating under a temporary personal permit while waiting to take her exams.
4. Prior to Ms. Wambeke obtaining a legal license or temporary practice permit to legally perform cosmetology and esthetic services in South Dakota, the

Commission staff became aware of the fact that Ms. Wambeke was performing cosmetology and esthetic services in South Dakota.

5. Ms. Wambeke had a Lacey Mae – Makeup Artist website, located at www.laceymaemakeup.com, and a similar page on Facebook.
6. According to the Ms. Wambeke’s Facebook page and her website, Ms. Wambeke performed cosmetology and esthetic services in Sioux Falls, SD on or about June 28, 2014, for a wedding for “James” and “Mandy.”
7. According to the pictures found on Facebook, Ms. Wambeke performed these services outside the setting of a licensed salon or booth.
8. According to the Ms. Wambeke’s Facebook page and her website, along with an article on “Style Me Pretty”, Ms. Wambeke performed cosmetology and esthetic services in Sioux Falls, SD prior to licensure, for a wedding at the Steever House Bed and Breakfast.
9. In February in 2014, Ms. Wambeke posted about this same wedding stating “a wedding I did hair and makeup for last summer in Sioux Falls is featured on Style Me Pretty today!! Jessica was such a radiant bride...”
10. There are other posts that were found on Ms. Wambeke’s websites that evidence that Ms. Wambeke performed cosmetology or esthetic services in South Dakota prior to licensure.
11. The above described conduct constitutes grounds for disciplinary action against Ms. Wambeke in South Dakota pursuant to SDCL 36-15-2, SDCL 36-15-2.2,

SDCL 36-15-56, and SDCL 36-15-60, as performing cosmetology and esthetic services in South Dakota without a license is illegal.

12. Ms. Wambeke is aware that she may choose to be represented by legal counsel in this matter.
13. Ms. Wambeke is aware of and understands the nature of this matter and has been informed of her right to legal counsel, notice, hearing, and appeal, and that by agreeing to and signing this Consent Agreement, she waives all procedures and proceedings before the Commission to which she may be entitled under state or federal law.
14. Ms. Wambeke understands that by executing this agreement, the Commission is making a finding that Ms. Wambeke has violated SDCL 36-15-2, SDCL 36-15-2.2, SDCL 36-15-56, and SDCL 36-15-60. In addition, Ms. Wambeke understands that by executing this agreement, disciplinary action is being taken against her.
15. In return for Ms. Wambeke's agreement to the provisions of this Consent Agreement, the Commission agrees not to proceed to a formal administrative hearing and agrees that this Consent Agreement will constitute the final agency disposition of this matter.
16. Ms. Wambeke agrees, in lieu of contesting this matter formally, to voluntarily accept the following terms and conditions for entry of this Consent Agreement:
 - a. Ms. Wambeke's personal license, #CO-08087, and booth license, #CB-07603 will be suspended for a period of 30 days with 23 days being held in

abeyance. Ms. Wambeke's licenses will be actively suspended for 7 days beginning May 15, 2016, through May 21, 2016;

b. The remaining 23 days of suspension of Ms. Wambeke's licenses will be held in abeyance for a period of 1 year, beginning on the effective date of this agreement, so long as the following conditions are met:

- 1) Ms. Wambeke will comply with all laws and regulations relating to their profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the effective date of this Agreement;
- 2) Ms. Wambeke will successfully pay for and successfully complete the online course entitled "Infection Control Online Class", sponsored by Milady, found at www.miladypro.com. Ms. Wambeke must submit to the Commission the Certificate of Completion received after successful completion of the course by June 30, 2016;
- 3) Ms. Wambeke will successfully pay for and successfully pass the Commission's State Laws exam by June 30, 2016. The cost of the exam is \$50.00; and
- 4) Ms. Wambeke's work area will be subject to additional inspections for a period of one year from the date of execution of this Agreement. Ms. Wambeke will make a onetime payment to the Commission for the additional expenses of the inspections in the amount of \$350.00 by June 30, 2016.

17. Ms. Wambeke agrees that if she fails to comply with Paragraph 16, and all of its subsections, of this Consent Agreement, then the additional 23 days of suspension being held in abeyance shall become effective immediately, beginning the first full day after the Commission staff becomes aware of non-compliance with this Agreement.
18. Ms. Wambeke understands that the terms of this Consent Agreement will be public.
19. Ms. Wambeke understands that nothing in this Consent Agreement will be deemed to restrict the Commission from raising facts in reference to Ms. Wambeke outside of those set forth in this Consent Agreement, if there are other material facts related to the matters under investigation that have not been set forth or disclosed herein.
20. Ms. Wambeke consents, agrees, and acknowledges that this Consent Agreement must be submitted to the Commission for acceptance or rejection. In the event the Commission rejects the recommendations for resolution by Consent Agreement, Ms. Wambeke waives any right to claim prejudice or to request recusal of any board member by reason of any factual basis submitted to the Commission in an effort to resolve this matter by Consent Agreement rather than by formal proceeding.
21. Ms. Wambeke understands that this Consent Agreement may be considered in any future licensing procedures with the Commission and for the purposes of determining the appropriate sanctions in any future actions by the Commission for

any violations of laws or regulations of the State of South Dakota or for failing to abide by any order of the Commission.

22. Ms. Wambeke has read, understands, and agrees to this Consent Agreement and is freely and voluntarily signing it. This Consent Agreement contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. Ms. Wambeke is not relying on any other representations of any kind, verbal or otherwise.
23. If this Consent Agreement is approved by the Commission, a copy of the executed Consent Agreement will be served by first class mail on Ms. Wambeke at the address of 815 E. Flynn St., Redwood Falls, MN 56283.

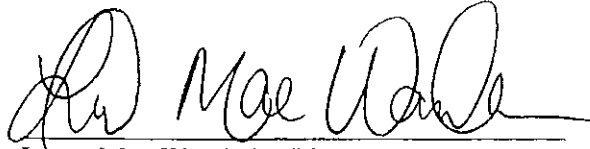
Dated this ____ day of _____, 2016.

South Dakota Cosmetology Commission

Chairperson

I have read and understand the terms of this Consent Agreement and I understand that I am waiving my due process rights and my right to a hearing. I am voluntarily entering into this agreement.

Dated this 13th day of April, 2016

A handwritten signature in black ink, appearing to read "Lacey Mae Wambeke", written over a horizontal line.

Lacey Mae Wambeke, Licensee
License No. CO-12709-2016
Booth Lic. No. CB-07603-2016