

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

THOA T. NGUYEN; HANH HOANG; HIEN HOANG; MAI THI NGUYEN; LE T. NGUYEN; THU THI MAI; BICH N. NGUYEN; DINH HO; UAN CONG PHAM

(b) County of Residence of First Listed Plaintiff Vermillion
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Ryan Beasley, Office: 504-367-5001
2439 Manhattan Blvd, Suite 302
Harvey, LA 70058

DEFENDANTS

LOUISIANA STATE BOARD OF COSMETOLOGY; STEVE YOUNG; FRANCES HAND; CELIA CANGELOSI; SHERRIE STOCKSTILL; MARGARET KELLER; UNKNOWN INSPECTORS

County of Residence of First Listed Defendant East Baton Rouge
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Celia Cangelosi; Sheri Morrison; Mark Falcon

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1331; 42 U.S.C. §§ 1981 and 1983; 14th Amendment

Brief description of cause:
Racial Discrimination

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE: 02/06/2014 SIGNATURE OF ATTORNEY OF RECORD:

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF LOUISIANA**

**THOA T. NGUYEN; HANH HOANG; HIEN HOANG; MAI
THI NGUYEN; LE T. NGUYEN; THU THI MAI; BICH N.
LAM; DINH HO; UAN CONG PHAM**

Plaintiffs;

v.

**LOUISIANA STATE BOARD OF COSMETOLOGY; STEVE
YOUNG; FRANCES HAND; CELIA CANGELOSI; SHERRIE
STOCKSTILL; MARGARET KELLER; UNKNOWN
INSPECTORS**

Defendants.

Civil Case No.:

JUDGE:

MAGISTRATE:

**COMPLAINT FOR
INJUNCTIVE RELIEF AND
DAMAGES**

COMPLAINT

Parties

1.

NOW INTO COURT, through undersigned counsel, come **Plaintiffs**:

- a. **Toha Nguyen, d/b/a Exotic Nails**, person of the full age of majority who resides in the Parish of Vermillion, State of Louisiana;
- b. **Hanh Hoang, d/b/a Aloha Nail 2**, person of the full age of majority who resides in the Parish of East Baton Rouge, State of Louisiana;
- c. **Hien Hoang, d/b/a Magic Nails**, person of the full age of majority who resides in the Parish of East Baton Rouge, State of Louisiana;

- d. **Mai Thi Nguyen, d/b/a Nu Nails**, person of the full age of majority who resides in the Parish of Ascension Parish, State of Louisiana;
- e. **Le T. Nguyen, d/b/a Happy Nails**, person of the full age of majority who resides in the Parish of East Baton Rouge, State of Louisiana;
- f. **Thu Thi Mai, d/b/a Diamond Nails**, person of the full age of majority who resides in the Parish of St. Landry, State of Louisiana;
- g. **Bich N. Lam, d/b/a as Beauty Nails**, person of the full age of majority who resides in the Parish of Iberia, State of Louisiana;
- h. **Dinh Ho, d/b/a as Visible Nail**, a person of the full age of majority who resides in the Parish of St. Landry, State of Louisiana;
- i. **Uan Cong Pham, d/b/a/ as Elegant Nail #2**, a person of the full age of majority who resides in the Parish of Lafayette, State of Louisiana;

2.

Made **Defendants** herein are:

- a. **Louisiana State Board of Cosmetology (hereinafter LSBC or Board)**, an agency of the State of Louisiana, domiciled in East Baton Rouge Parish and residing at 11622 Sunbelt Court, Baton Rouge, Louisiana 70809.
- b. **Steve Young, in his official capacity as Executive Director of the Louisiana State Board of Cosmetology**, an agency of the State of Louisiana, domiciled in East Baton Rouge Parish and residing at 11622 Sunbelt Court, Baton Rouge, Louisiana 70809.
- c. **Frances Hand, in her official capacity as Chairman of the Louisiana State Board of Cosmetology**, an agency of the State of Louisiana, domiciled in East Baton Rouge Parish and residing at 11622 Sunbelt Court, Baton Rouge, Louisiana 70809.

2

- d. **Celia Cangelosi**, in her official capacity as attorney and advisor to the Louisiana State Board of Cosmetology, with information and believe, is domiciled in East Baton Rouge Parish, State of Louisiana.
- e. **Sherrie Stockstill**, in her official capacity as an inspector and employee for the Louisiana State Board of Cosmetology for District 7, with information and belief, is domiciled in the State of Louisiana;
- f. **Margaret Keller**, in her official capacity as an inspector and employee for the Louisiana State Board of Cosmetology for District 8, with information and belief, is domiciled in the State of Louisiana.
- g. **Unknown Board Inspectors**, in their official capacities as inspectors and employees for the Louisiana State Board of Cosmetology in their respective Districts 1-11, with information and belief, are domiciled in the State of Louisiana.

Jurisdiction and Venue

3.

Jurisdiction is proper since federal courts can hear claims asserted under 28 U.S.C. § 1331, 42 U.S.C. §§ 1981 and 1983, the United States Constitution's Fourteenth Amendment and federal law.

Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) since all Defendants are Louisiana residents and the Louisiana State Board of Cosmetology operates in this district. Furthermore, venue is proper in this district since a substantial part of the events giving rise to Plaintiffs claims were made here.

Class Allegations

4.

This action is brought by the Plaintiffs on their own behalf and on behalf of a class of those similarly situated pursuant to Rule 23(a) and (b) of the Federal Rules of Civil Procedure against Defendants: **Louisiana State Board of Cosmetology**; **Steve Young**, in his official capacity as Executive Director of the Louisiana State Board of Cosmetology; **Frances Hand**, in her official capacity as Chairman of the Louisiana State Board of Cosmetology; **Celia Cangelosi**, in her official capacity as attorney and advisor for the Louisiana State Board of Cosmetology; **Sherrie Stockstill**, in her official capacity as inspector and employee for the Louisiana State Board of Cosmetology for District 7; **Margaret Keller**, in her official capacity as inspector and employee for the Louisiana State Board of Cosmetology for District 8; **Unknown inspectors**, in their official capacities as inspectors and employees for the Louisiana State Board of Cosmetology in their respective districts.

5.

The class is defined as: all past and present Vietnamese- and Asian-American hair and nail salon owners in Louisiana who have been harassed, intimidated, falsely imprisoned, and arbitrarily discriminated against or racially profiled based on their race, ethnicity, or national origin by the Louisiana State Board of Cosmetology and/or its agents.

6.

All requirements of Rule 23(a) are met in this cause. Specifically:

- a. The class is so numerous that joinder of all members is impracticable. The exact number is unknown, but it is believed that hundreds, if not thousands, of nail and hair salons are owned by individuals of Vietnamese and Asian ancestry.

- b. There are questions of law or fact common to the class, specifically:
1. Whether the Defendants, under color of the state, violated the 14th Amendment of the United States Constitution by arbitrarily and disproportionately targeting Vietnamese- and Asian-owned nail and hair businesses for no or minor violations while not doing the same for similarly situated businesses run by non-Asian, specifically non-Vietnamese; and
 2. Whether the Defendants, under color of the state, falsely imprisoned the Plaintiffs by forcibly ordering Plaintiffs, their employees, and family members to immediately stop their operation, therefore restricting their freedom of movement.
 3. Whether the Louisiana State Board of Cosmetology breached its duty to the Plaintiff class by failing to adequately train, supervise, and oversee its inspectors, attorneys, and employees and is vicariously liable for their tortious/negligent acts in targeting Vietnamese and Asian-owned nail and hair salons for violations and inspections.
- c. The claims of the represented parties are typical of those of the class.
- d. The representative parties will fairly and adequately represent the class since all Plaintiff representatives are previous or current hair salon owners of Vietnamese- or Asian-ancestry.
- e. The requirements of Rule 23(b)(1)(A)-(B) are satisfied in that prosecuting the separate actions by the individual class members would create a risk of inconsistent adjudications with respect to the individual class members and adjudications with respect to individual class members would be dispositive of the interests of the other

members not parties to the individual adjudications or would substantially impair or impede their ability to protect their interests.

- f. The further requirements of Rule 23(b)(2) are met in that the parties opposing the class have at all times acted and refused to act on grounds applicable to the class, thereby making appropriate final injunctive relief with respect to the class as a whole.
- g. Moreover, under Rule 23(b)(3), the court can find that the questions of law or fact common to the class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy. It is desirable to concentrate the litigation of the claims in this particular forum.
- h. Lastly, the requirements of Rule 23(g) are met in that proposed class counsel will fairly and adequately represent the interest of the class.

Facts

7.

EXOTIC NAILS:

Thoa Thi Nguyen is the owner of Exotic Nails, situated at 2668 Johnson Street, City of Lafayette. She has been running her business for the last three years without any previous problems or violations with the city or the State of Louisiana. On Friday, July 19, 2013, Exotic Nails was packed with patrons waiting for nail and skin care services. Ms. Nguyen and her employees were busy servicing their clients. Mrs. Nguyen's mother was casually conversing with the patrons.

8.

At approximately 11 A.M., two unknown Caucasian women entered Exotic Nail with their cellphones next to their ears, appearing to be communicating details of the business to the other individual on the other line. They dressed normally and did not wear any forms of identification. At this time, Mrs. Nguyen, believing the two women to be customers, politely asked what they would like to have serviced that day. The two women completely ignored her and headed straight towards the back of the store. One of the inspectors, upon information and belief, was Ms. Sherrie Stockstill. After several minutes of loitering, Ms. Stockstill suddenly shouted, “Everyone, keep still, don’t move!” Ms. Stockstill ordered Mrs. Nguyen to cease all of their operations. Ms. Stockstill then ordered Ms. Nguyen to produce her business licenses and asked the employees for all of their driver’s licenses. They complied as ordered. After over ten minutes of Mrs. Nguyen’s repeated questioning of who the two women were, they finally stated they were from the State Board of Cosmetology. However, no identifications were shown to verify who they were nor any documentations were presented to state the purpose of their inspection. For approximately the next two hours, the two women, without Mrs. Nguyen’s permission, proceeded to open doors, search compartments, sift through files, and prohibited Mrs. Nguyen and her employees from leaving. Ms. Stockstill was unabashedly authoritative—not permitting Mrs. Nguyen to ask questions or inquire into the purpose for the searches. Since Ms. Stockstill’s appearance in the store, there has a decline in patrons coming to Exotic Nails for nail and skin services. She believes she was targeted for inspection because of her race.

9.

Aloha Nail 2:

Hanh Hoang was the owner of Aloha Nail 2, situated in East Baton Rouge Parish. She ran the business for over two years before selling it in late 2012. Around April or May of 2012,

7

Board inspector, Maragret Keller, suddenly appeared at Aloha Nail. She gave no prior notice or provided any identification. Ms. Keller immediately went to the supply room and began talking on the phone. As she was talking, she was consistently laughing and joking in the presence of Ms. Hoang and her patrons. Ms. Hoang felt humiliated in front of her patrons. Subsequently, Ms. Keller cited Ms. Hoang for over \$3,000 worth of violation fees. Ms. Hoang 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. By late 2012, Ms. Hoang could no longer take the unpredictable and frequent inspections and had to sell her salon business to escape from LSBC inspector's harassment and discrimination. Ms. Hoang has suffered substantial loss of profits due since the inspection.

10.

Magic Nails:

Mr. Hien Hoang is the owner of the Magic Nails & Spa in Prairieville, Louisiana. On, or about February of 2011, Sherrie Stockstill, an inspector for the Board of Cosmetology, entered Magic Nails & Spa without prior notice. Upon entry, Ms. Stockstill ordered Mr. Hoang and his employees to stop what they were doing, produce their driver licenses, and remain where they were. She then offensively placed the driver's license up against the face of the employees to compare the picture on the driver's license with the actual person. As Mr. Hoang approached Ms. Stockstill to inquire the reason for the inspection, Ms. Stockstill told him to be quiet because she was "the boss" and not him. Without providing Mr. Hoang with sufficient explanation, Ms. Stockstill forced the shop to shut down and issued violations against Magic Nails & Spa. Ms. Stockstill subsequently returned to Magic Nails & Spa two additional times and each time her demeanor was the same—authoritative, bashful, and rude. Mr. Hoang has been to multiple

LSBC Hearings and expended substantial time and finances—in hiring attorneys—to defend the Board’s alleged violations against his business. Since the first inspection, he has seen a drop in patrons in the store. He believes the Board is targeting him for inspection because he is Vietnamese.

11.

Nu Nails:

Ms. Mai Thi Nguyen is the owner of Nu Nails & Spa, situated at 38011 Hwy. 621, City of Gonzales. On or around August 14, 2013, Ms. Mai Nguyen bought said business from the previous owner, Ms. Thu Nguyen. Ms. Thu Nguyen had operated the store in violation of the LSBC regulations and Louisiana statutes prior to her sale of the business to Ms. Mai Nguyen. Soon after, inspector Sherri Stockstill came unannounced while Ms. Mai Nguyen was cleaning the store. The store was not opened to customers. Ms. Stockstill, quick to judge, assumed Ms. Mai Nguyen was colluding with the previous owner, Ms. Thu Nguyen to circumvent the cease and desist order. She did not even allow Ms. Mai Nguyen or her daughter to explain the situation to her. On or around September 11, 2013, Ms. Mai Nguyen applied for a manicuring license for her business, but her application was delayed for months because LSBC believed she had obtained the business by means of fraud, misrepresentation, or concealment of truth. While submitting the application, Ms. Mai Nguyen and another representative personally visited LSBC Executive Director, Steve Young, to explain the situation to him. However, a citation was still issued even after assurances by Mr. Young that they can continue to prepare the store for business. On or around December 9, 2013, Ms. Mai Nguyen appeared at a Hearing to Show Cause why her application should not be denied. After extensive examination of witnesses and the evidence, the LSBC Board found: 1) Ms. Mai Nguyen did not know Ms. Thu Nguyen, the

previous owner, prior the sale of business; 2) Ms. Mai Nguyen lawfully bought Nu Nails from Ms. Thu Nguyen on or about August of 2013; and 3) Ms. Thu Nguyen has not paid the rent for or worked at Nu nails since the sale in August of 2013. The Board had no evidence to show that Ms. Mai Nguyen had committed any fraud or misrepresentation in her application. Soon after, the Board granted Ms. Mai Nguyen's application with several conditions. Ms. Mai Nguyen has expended substantial time and finance—hiring attorneys—to challenge the Board's allegation that the business was not a bona fide, arms-length business transaction between the parties. Upon information and belief, Ms. Mai Nguyen has never been cited for any violations prior to this incident. She suffered substantial loss of lease rent and profits due to the LSBC's prolonged delay of her business application. She believes her business application was delayed because the previous owner and her were both Vietnamese-Americans.

12.

Happy Nails:

Ms. Le Nguyen is the owner of Happy Nails, situated at 4157 Hwy. 1 South, City of Port Allen. On or around July 16, 2013, Ms. Nguyen was cited for two unlicensed manicurists and impeding the Board's inspector access to business. Ms. Nguyen believed the allegations are untrue and exaggerated so she hired an attorney to draft a letter stating she is in full compliance with the Board's regulations. Soon after, she appeared at the Hearing to Show Cause, but was denied an opportunity to explain her situation since there were no interpreters provided. She asked if her friend, who is fluent in English and Vietnamese, could provide interpretation, but was denied by the Board. After long delays in the hearing process, she felt compelled to sign a consent agreement with the LSBC in order to expedite the resolution of her case. She has expended substantial time and finances--hiring attorneys—in this long and exhausting process.

10

She has seen a decrease in patrons coming into the business since the inspection and believes she was targeted for inspection because of her race.

13.

Diamond Nails:

Ms. Thu Thi Mai is the owner of Diamond Nails, situated at 1308 Edith Street, City of Opelousas. On or around December of 2012, Ms. Mai bought said business from the previous owner, Kenny Nguyen. Mr. Nguyen had operated the store in violation of the LSBC regulations and Louisiana statutes prior to his sale of the business to Ms. Mai. Ms. Mai did not know Mr. Nguyen prior to the sale. Subsequently to the sale, Ms. Mai applied for a manicuring license for her business, but her application was delayed for months because LSBC believed she had obtained the business by means of fraud, misrepresentation, or concealment of truth. On or around October 7, 2013, Ms. Mai appeared at Hearing to Show Cause why her application should not be denied. After extensive examination of witnesses and evidence, the LSBC Board found: 1) Ms. Mai did not know Mr. Nguyen, the previous owner, prior the sale of business; 2) Ms. Mai lawfully bought Diamond Nails from Mr. Nguyen on or about December 28, 2012; and 3) Mr. Nguyen has not paid the rent for or worked at Diamond Nails since the sale in December of 2012. The Board had no evidence to show that Ms. Mai had committed any fraud or misrepresentation in her application. Soon after, the Board granted Ms. Mai's application with several conditions. Ms. Mai had expended substantial time and finance—hiring attorneys—to challenge the Board's allegation that the business was not a bona fide, arms-length business transaction between the parties. She believes her private transaction was intentionally subjected to the Board's delays because both parties were Vietnamese-Americans. Upon information and belief, Ms. Mai has never been cited for any violations prior to this incident. She has suffered

business losses (including rent payments) and potential profits due to the prolonged hearing process.

14.

Beauty Nails:

Ms. Bich Lam is the owner of Beauty Nails, situated at 2609 W. Main Street, city of Jeanerette, Parish of Iberia. On or around March 1, 2013, Ms. Lam was cited for unlawful waxing activity. Ms. Lam vehemently denied the alleged violation and fought the violation at the LSBC's Rule to Show Cause Hearing on or around October 7, 2013. On the date of the inspection, unknown inspector, without prior notice or proper identification, searched Ms. Lam's business and found old waxing supplies in a closed compartment. It was not plugged in or used at the time of the incident. Inspector, quick to judge, automatically assumed Ms. Lam had conducted waxing activities prior to her entry. Ms. Lam denied all wrongdoings and successfully entered into a non-disciplinary agreement with the LSBC, which explicitly states that waxing supplies and equipment were not being used in the manicuring salon. Ms. Lam had to expend substantial time and money—to hire attorneys—to challenge LSBC's frivolous claim against her and her business. Upon information and belief, Ms. Lam has never been cited for any violations by the LSBC prior to this incident. Her business has suffered financially since the date of inspection. Ms. Lam believes she was targeted for heightened inspection because she was Vietnamese.

15.

Visible Nail:

Mr. Dinh Ho is the owner of Visible Nails, situated at 909 Rees St., City of Breaux Bridge, Parish of St. Martin. On or around March 20, 2013, inspector Sherrie Stockstill of

12

district 3, walked directly into a room that is designated only for employees. She gave no prior notice, showed no identification, and was disrespectful and authoritative towards Mr. Ho and the business patrons. He was cited for unlawful waxing activities and interference with access of the Board's inspector. Mr. Ho denied all wrongdoings and believed the citations are exaggerated to increase the violation fees. He was summoned by the LSBC to a Rule to Show Cause hearing set for February 3, 2014 in Baton Rouge. After the hearing, he was cleared of all citations. Upon information and belief, Mr. Ho has never been cited by LSBC prior to this incident. After this incident, Mr. Ho has seen a decline in business patrons. Mr. Ho believes that Board inspectors discriminatory profiled him for inspection because he was Vietnamese and lacked the requisite English skill to fight the citations.

16.

Elegant Nail #2:

Mr. Uan Cong Pham is the owner of Elegant Nails #2, situated at 1911 Moss St., City of Lafayette, Parish of Lafayette. On or around August 28, 2013, inspector Sherrie Stockstill stormed into Mr. Pham's business at around 11am when patrons were coming in for services during their lunch breaks. She gave no prior notice, showed no identification, and was disrespectful towards Mr. Pham and other patrons. She cited Mr. Pham for having waxing equipment on his premise. Even though Mr. Pham disagreed with the citation, he felt pressured by Ms. Stockstill to sign the citation report. He only signed the report because Ms. Stockstill had exerted dictatorial authority coupled with his limited understanding of the English language. Soon after, Mr. Pham contacted Ms. Cangelosi, attorney for the LSBC, and denied any wrongdoing. However, Ms. Cangelosi still persisted to send him written demand to pay the violation fees to the LSBC or be summoned to a Rule to Show Cause hearing. Upon information

13

and belief, Mr. Pham has never been cited by the LSBC for any violations prior to this incident. Since Ms. Stockstill's entry into the business, Elegant Nail #2 has seen a decline in patrons. He believes he was subject to the Board's inspection because of his race.

17.

Board Hearings:

On October 7, 2013, The Board held hearings on alleged nail salon violations and a Board's "Revised Agenda" was produced. *See* Exhibit A. The Board's agenda for that day was almost completely filled with Vietnamese and Asian-Americans. *Id.* at IX-XI. All alleged violators up for the Board's consideration for consent agreements, hearings, executive sessions, and under advisement from other previous meetings were Vietnamese and/or Asian-Americans. Upon information and belief, not even one non-Vietnamese or non-Asian was heard in regards to any alleged state violations that day.

18.

Three months later, another Board hearing had similar discriminatory practices as the one on October 7, 2013. On December 9, 2013, the Board's agenda for violation hearings were once again filled with only Vietnamese-Americans and/or Asian-Americans. *See* Exhibit B. All alleged violators up for the Board's consideration for hearing were Vietnamese or Asian. Upon information and belief, not even one non-Vietnamese or non-Asian was heard in regards to any alleged violations that day.

First Cause of Action: Racial Discrimination

19.

Upon information and belief, Plaintiffs are subjected to disproportionate and heightened inspections by the hands of the Louisiana State Board of Cosmetology as compared to non-Vietnamese and non-Asian salon owners. The Plaintiffs are ethnic minorities—Asian, specifically Vietnamese-Americans—and therefore a protected suspect class, which would require the State to overcome strict scrutiny for any discriminatory acts taken against the Plaintiffs. In this case, the State does not have any compelling reason for such acts. Even if the LSBC’s regulations and Louisiana statutes were race-neutral on its face, they will still be considered an infringement on the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution because they were administered in a prejudicial and discriminatory manner towards the Plaintiff class. *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

20.

Under 42 U.S.C. § 1983, “every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects or causes to be subjected, any citizen of the United State or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress.”

21.

The Fourteenth Amendment of the United States Constitution states: “No State shall deny to any person within its jurisdiction the equal protection of the laws.” The Due Process Clauses and the Equal Protection Clause guarantee the fairness of laws—substantive due process guarantees that laws will be reasonable and not arbitrary, and equal protection guarantees that similarly situated persons will be treated alike. Where a law treats a person or class of persons

differently from others, it is an equal protection question. *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000). A class may bring equal protection claims with as few as one member. *Id.*

22.

Non-Vietnamese and non-Asian nail and hair salon owners were not inspected with the same frequency and were not mistreated by the Board inspectors as compared to the Plaintiff class. Upon information and belief, non-Asian nail and hair salon owners make up more than 50% of licensed owners in the State of Louisiana, but nearly 100% of the alleged violators targeted by the Board and its inspectors were Vietnamese or Asian salon owners. In the case of Exotic Nails above, the inspectors never inspected the salon next door owned by a Caucasian and its employees have never been subjected to harassment, intimidation, or false imprisonment by Board inspectors.

23.

In the case of Aloha Nails, Ms. Hoang has been subjected to numerous inspections since she opened her store. Upon information and belief, other nearby non-Asian owned salons have not been inspected or with such frequency. Other Plaintiffs nail salon owners were similarly subjected to such discriminatory treatment by Board inspectors as Aloha Nails.

24.

Board inspectors discriminately targeted Vietnamese-owned nail salons because of their race. In the cases of Nu Nails and Diamond Nails, Board inspectors blatantly ignored the Plaintiffs' attempts to explain that these transactions were bona fide, arms-length business sales. They all had proper documentations to establish this. Upon information and belief, Plaintiffs believe their business applications were delayed solely because the parties were all Vietnamese-Americans. Other plaintiffs members were subjected to substantial violation fees for no or minor

violations. Upon information and belief, the Board inspectors targeted Vietnamese- and/or Asian-owned salons because Plaintiff class has limited English skills to fight the complex violation hearings.

25.

In addition, on two separate Board hearings, all alleged nail salon violators up for the Board's consideration were Vietnamese- or Asian-Americans. With three months separating the two Board hearings, this was not a coincidence. Upon information and belief, within these three months, most, if not all, of the Board's agendas had dozens of other Vietnamese-owned salons up for violation hearings. Moreover, there is sufficient information and belief that such discriminatory practices have increased within the past year.

26.

Upon information and belief, almost all of the Board's previous agendas on violations were also similarly structured as the two hearings in October and December. Exhibits A and B clearly support Plaintiffs' claim that the Board has been arbitrarily discriminating against Vietnamese- and Asian nail salon owners by intentionally targeting them for alleged state violations in the operation of their businesses based on their ethnicity, while not doing so for other similarly situated businesses.

27.

Upon information and belief, Celia Cangelosi, as an attorney and advisor for the Board, is responsible for the implementation of the discriminatory structure of the Board meetings and hearings. On one occasion in early fall of 2013 during a Board meeting, Ms. Cangelosi made

racist remarks and actions by openly forbidding a Vietnamese attorney from speaking Vietnamese to his client, who was not fluent in the English language. The Board members and other Board attorneys witnessed her overt racism, but did nothing to stop Ms. Cangelosi. This event was documented in the Board's records. The Board turned a blind eye even after being put on notice that she was specifically targeting Vietnamese and Asian-owned salon owners for alleged violations and treated Plaintiffs and their attorneys in a racist manner during hearing proceedings. The Board is independently negligent in breaching its duty to the Plaintiff class to recognize its attorney's unlawful actions and failed to take appropriate steps to train, supervise, and oversee the attorneys' conformity with state and federal laws. Lastly, the Board is vicariously liable for all of their employees' negligent/tortious actions, in particular LSBC inspectors.

Second Cause of Action: False Imprisonment

28.

Furthermore, Board inspectors exercised unconstitutional power by restraining the freedom of movement of the Plaintiffs, their employees, and family members without sufficient police authority. False arrest and imprisonment occur when one arrests and restrains another against his will without a warrant or other statutory authority. Simply stated, it is restraint without color of legal authority. The two essential elements of the tort of false imprisonment are: (1) detention of a person; and (2) the unlawfulness of such detention. *Anderson v. Wal-Mart Stores, Inc.* 95-1026 (La. App. 5th Cir. 1996).

29.

In the case of Exotic Nail, without any prior violations, Mrs. Nguyen and her employees were subjected to two-hours of intensive inspections on one of the busiest days of the business week. Furthermore, the inspectors exerted false police authority by ordering Plaintiffs to immediately cease work and did not permit them to leave store premises. They were ordered and forced to remain at their working stations while the inspectors rummaged around the store with no permission or respect for Mrs. Nguyen or her patrons. Due to the inspectors' prolonged intrusion against Mrs. Nguyen's privacy and blatant disregard for the store patrons, a large number of patrons left the store. Mr. Hoang and other Plaintiffs have also suffered under similar circumstances as Mrs. Nguyen.

30.

The Board is independently liable for its negligent supervision by failing to adequately train and oversee their inspectors and attorneys against racial profiling/discrimination and false imprisonment. The Board inspectors and attorneys acted under color of the state and used its state agency authority to discriminately target nail and hair salons owned by people of Vietnamese and Asian descent. The Board failed to recognize and stop the unlawful discriminatory acts of their Board inspectors and their attorneys. Furthermore, the Board inspectors acted under color of the state to falsely imprison the Plaintiff class with no legal authority. Lastly, the Board is vicariously liable for the tortious/negligent acts of their Board inspectors and attorneys.

31.

Plaintiffs strictly reserve the right to amend and supplement this petition as necessary.

32.

The proximate cause of damages sustained by Plaintiffs were caused by the Board's failure to perform its duty by adequately train, supervise, and oversee their inspectors and attorneys against arbitrary racial profiling/discrimination and false imprisonment. Furthermore, the Board inspectors and attorneys are liable for all damages and costs as a result of their tortious/negligent acts.

33.

Prayer of Relief

WHEREFORE, PLAINTIFFS, respectfully request the Court:

1. Cite and serve Defendants with a copy of this complaint, and requires Defendants to answer same, all in accordance with the law;
2. Certify this cause as a class action with the class as defined in paragraphs 4-6, above, and appoint the undersigned as class counsel.
3. Declare the Board inspectors and attorneys violated the rights of the Plaintiffs and the class by racially profiling and discriminating against Vietnamese and Asian nail and salon owners. Furthermore, the Board Inspectors are liable for false imprisonment.
4. Declare the Louisiana Board of Cosmetology has violated the rights of the Plaintiffs and the class by failing to perform its duty to train, supervise, and oversee its state inspectors and attorneys against racial discrimination/profiling and false imprisonment under the doctrines of Respondeat Superior and Negligent Supervision/Hiring.
5. Enter a preliminary injunction, later to be made permanent, enjoining the Defendants from further discriminatory practices against Vietnamese- and Asian-owned nail and hair

salons by Board inspectors, Board attorneys, and the Louisiana State Board of Cosmetology.

6. Enter a preliminary injunction, later to be made permanent, enjoining the Defendants to reinstate Plaintiffs' business licenses that were revoked as a result of Defendants' unconstitutional violations.
7. Enter a preliminary injunction, later to be made permanent, enjoining the Defendants to develop and institute a program to re-train all of the Louisiana State Board of Cosmetology's board members, state inspectors, and attorneys on proper procedure protocols in conformity with the United States and Louisiana Constitutions and all probative legal precedents.
8. Award Plaintiffs their costs, damages, and punitive damages for Defendants' false imprisonment of the Plaintiffs and their employees, family members, and patrons.
9. Award Plaintiffs their costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.
10. Award Plaintiffs all other proper relief.

Respectfully Submitted:

/s/ RYAN BEASLEY

RYAN BEASLEY (Bar No. 28492)
CAO LAW FIRM
2439 Manhattan Blvd., Suite 302
Harvey, LA 70058
504.367.5001
504.684.1231 (facsimile)
rbeasley@caolawfirm.com



Bobby Jindal
Governor

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.lsbclouisiana.gov

Frances K. Hand, Chairman
Denham Springs, LA

Lora V. Moreau
Lafayette, LA

Taquilla F. Hamilton
Harvey, LA

Carolyn L. Robicheaux
Baldwin, LA

Stephen Young
Executive Director

Michelle M. Hays
Pineville, LA

Geneva L. Jones
Benton, LA

Eliza "Jill" Hebert
Breaux Bridge, LA

Ira Weber
Metairie, LA

September 24, 2013

Date: October 7, 2013
Subj: Board Meeting – 9:00 a.m.

REVISED AGENDA

- I. CALL TO ORDER**
- II. WELCOME BOARD MEMBERS AND GUESTS**
- III. INVOCATION**
- IV. ROLL CALL**
- V. ACCEPTANCE OF THE AGENDA**
- VI. DISPOSITION OF THE SEPTEMBER 9, 2013 BOARD MEETING MINUTES**
- VII. DISPOSITION OF THE SEPTEMBER 23, 2013 SPECIAL MEETING MINUTES**
- VIII. GUESTS**
 - A. Aimee-Zing Faces
Advanced Makeup Artistry Permits**
 - B. Schools:**
 - 1. Vanguard School of Cosmetology
Initial Inspection & Blueprints**
 - 2. Opulent Beauty Institute
Intent to open**

IX. CONSENT AGREEMENTS

- A. Exotic Nails II**
- B. Hung H. Nguyen**
- C. Van Thi Trieu**
- D. Cuc Thi Tran**
- E. Thanh Dau**

X. HEARINGS/EXECUTIVE SESSION

- A. Magic Nails Spa** **Docket No. 13-035**
- B. Hien P. Hoang** **Docket No. 13-036**

- C. Thu Thi Mai DBA Diamond Nails** **Docket No. 13-057**

- D. Ngoc T. Nguyen DBA Professional Nails** **Docket No. 13-058**

- E. Beauty Nails** **Docket No. 13-063**
- F. Bich N. Lam** **Docket No. 13-064**

- G. Happy Nails** **Docket No. 13-065**
- H. Le T. Nguyen** **Docket No. 13-066**

- I. Phuc T. Nguyen DBA Art Nails & Spa** **Docket No. 13-067**
- J. Huong Nguyen** **Docket No. 13-068**

- K. Tips & Toes** **Docket No. 13-069**
- L. Anh Lam** **Docket No. 13-070**
- M. Timothy Duong** **Docket No. 13-071**

XI. Matters under advisement from September 9, 2013 and September 23, 2013 Meetings

- A. Thi Diem Tong Nguyen** **Docket No. 13-A-003**
- B. Huyen Do** **Docket No. 13-A-005**
- C. Thu Ha T. Ngo** **Docket No. 13-A-006**
- D. Truc Mai T. Ho** **Docket No. 13-A-008**
- E. Tuyen My Le** **Docket No. 13-A-013**
- F. Thu T. Nguyen** **Docket No. 13-A-015**
- G. Trina Hoang Nguyen** **Docket No. 13-A-016**
- H. Truc T. Nguyen** **Docket No. 13-A-017**
- I. Dong Cong Huynh** **Docket No. 13-A-023**
- J. Duong Thanh Nguyen** **Docket No. 13-A-024**
- K. Hang T. Nguyen** **Docket No. 13-A-025**
- L. Oanh Tran** **Docket No. 13-A-026**

M.	Oanh Thi Ngoc Truong	Docket No. 13-A-029
N.	Hanh Thi Vo	Docket No. 13-A-032
O.	Nhan T. Bui	Docket No. 13-A-033
P.	Chau Thanh Dang	Docket No. 13-A-034
Q.	Thao Thu Thi Dang	Docket No. 13-A-035
R.	Tara Thao Huynh	Docket No. 13-A-037
S.	Hue T. Nguyen	Docket No. 13-A-040
T.	Nuong Thi Pham	Docket No. 13-A-042
U.	Mon T. Thach	Docket No. 13-A-043

XII. NEW BUSINESS

A. Executive Director Report:

B. Correspondence:

- 1. Ernesha Smith
Request for Make-Up Artist Permit**
- 2. Sarah Bess Brown
Request for Make-Up Artist Permit**
- 3. Daintia Brock
Request to transfer hours for a Braiding Permit**

C. NIC Testing:

D. Attorney's Report:

XIII. ADJOURN



Bobby Jindal
Governor

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.lsbclouisiana.gov

Frances K. Hand, Chairman
Denham Springs, LA

Lora V. Moreau
Lafayette, LA

Taquilla F. Hamilton
Harvey, LA

Carolyn L. Robicheaux
Baldwin, LA

Stephen Young
Executive Director

Michelle M. Hays
Pineville, LA

Geneva L. Jones
Benton, LA

Eliza "Jill" Hebert
Breaux Bridge, LA

Ira Weber
Metairie, LA

December 5, 2013

Date: December 9, 2013
Subj: Special Meeting – 09:00 a.m.

AGENDA

- I. CALL TO ORDER**
- II. WELCOME BOARD MEMBERS AND GUESTS**
- III. INVOCATION**
- IV. ROLL CALL**
- V. ACCEPTANCE OF THE AGENDA**
- VI. DISPOSITION OF THE DECEMBER 2, 2013 BOARD MEETING MINUTES**
- VII. HEARINGS**
 - A. Mai Thi Nguyen DBA Nu Nails & Spa, LLC Docket No. 13-073**
 - B. Thai Nguyen DBA Kaylie’s Nails Docket No. 13-075**
 - C. Hieu Hoang Nguyen Retake National Exam**
- VIII. STUDENT APPLICATION HEARINGS**
 - A. Hang Thi Phan Docket No. 13-A-044**
 - B. Loc Le Docket No. 13-A-055**
 - C. Nhu T. Nguyen Docket No. 13-A-056**
 - D. Chieu Thi Le Docket No. 13-A-057**
 - E. Peter Hoang Docket No. 13-A-061**
 - F. Hong Thi Nguyen Docket No. 13-A-067**
 - G. Van Thi Thanh Tran Docket No. 13-A-069**
 - H. Huong M. Nguyen Docket No. 13-A-070**
 - I. Danh Nguyen Docket No. 13-A-071**
 - J. Jessica Thuy Le Docket No. 13-A-072**
 - K. Lien Thi Thu Hoang Docket No. 13-A-073**

L.	Vinh Trong Nguyen	Docket No. 13-A-074
M.	Andy An Nguyen	Docket No. 13-A-075
N.	Cuong Duy Nguyen	Docket No. 13-A-076
O.	Lieu My Le	Docket No. 13-A-077
P.	Hao Tran Vo	Docket No. 13-A-078
Q.	Phuong Thai	Docket No. 13-A-079
R.	Phuong T. Thai	Docket No. 13-A-080
S.	Thu Hien Thi Nguyen	Docket No. 13-A-081
T.	Ha Ngoc Dinh	Docket No. 13-A-082
U.	Cu Van Ho	Docket No. 13-A-083
V.	Xuan Tran	Docket No. 13-A-084
W.	Nhe T. Nguyen	Docket No. 13-A-085
X.	Yavchoy Thay	Docket No. 13-A-086
Y.	Hoa Trinh	Docket No. 13-A-087
X.	Jasmine Flores Lam	Docket No. 13-A-088

IX. MATTERS UNDER JOINT PROPOSED FINDINGS

A.	Thi Diem Tong Nguyen	Docket No. 13-A-003
B.	Truc T. Nguyen	Docket No. 13-A-017
C.	Hang T. Nguyen	Docket No. 13-A-025
D.	My Loan Duong	Docket No. 13-A-036

X. ADJOURN