

From: Veldran, Katherine
To: Grant Gillespie (gillespieg@llr.sc.gov) <gillespieg@llr.sc.gov>
Date: 3/4/2015 1:29:40 PM
Subject: FW: LLR/Work Visa Licensure

Grant,
Can you shed some light on this constituent issue below?
Please advise.
Thank you,
Katherine

From: Alexis Sargo [mailto:alexis@faceslashstudio.com]
Sent: Tuesday, February 17, 2015 9:28 AM
To: Veldran, Katherine
Subject: LLR/Work Visa Licensure

Good Morning Katherine,

Just following up on our conversation on Saturday. I hope you had a nice long weekend. This is in response to an employee we have named, Mitsy Nidiyare Lugos-Aguilar.

Mitsy Lugos started esthetics school at the International Spa Institute in Bluffton, SC on November 2nd, 2013. She was never informed that she would not receive a license from the State of South Carolina, based on her Work Visa Status. When did the rules in South Carolina change? Or have they always remained the same?

Misty Lugos finished esthetics school in May 2014. She sent all of her completed paperwork into Credential Services, as requested by LLR. She received approval that she could take the practical and written exams required by the state to receive an Esthetics License. Why was she granted approval, if her Work Visa would permit her from being granted a license?

Mitsy Lugos passed both required exams and was never told at either LLR testing location that she would never receive a license, why?

Mitsy Lugos appealed their decision to grant her license and was denied again because of the information on her Affidavit of Eligibility being verified though the federal Systematic Alien Verification of Entitlement. Federal law currently prohibits a state from issuing professional or commercial license to aliens, unless the state has opted out of those federal restrictions. Which this letter says, South Carolina has not opted out. I have attached a photo of the letter that I am quoting below.

BY CERTIFIED AND REGULAR MAIL TO:

MITSY NIDIYARE LUGOS-AGUILAR
10 SUGAR MAPLE STREET
BLUFFTON, SC 29910

Re: Application for Examination

Dear Ms. Lugos-Aguilar:

Your Cosmetology licensure application received July 07, 2014 has been denied at the staff level because of information on your Affidavit of Eligibility or information received by the South Carolina Department of Labor Licensing and Regulation (LLR) in verifying the information on your Affidavit of Eligibility through the federal Systematic Alien Verification of Entitlement program for eligibility of non-citizens for occupational licensure. Federal law currently prohibits a state from issuing professional or commercial licenses to aliens not described in 8 U.S.C. §1621(a), including those to whom the federal government has granted deferred status and temporary work permits, unless the state has legislatively opted out of those federal restrictions pursuant to 8 U.S.C. §1621(d). South Carolina has not opted out, and the federal licensing prohibition is reinforced by the South Carolina Code §8-29-10, part of the South Carolina Illegal Immigration Reform Act.

If you believe LLR's information regarding your immigration status and eligibility for licensure is not correct and you wish to appeal the denial of your application, please send a written request to appear before the Board of Cosmetology for review of your application at its next meeting scheduled for Tuesday, September 9, 2014 at 9:45 a.m., Room 108, Kingtree Building, 110 Centerview Drive, Synergy Business Park, Columbia, SC, 29211. You will receive written confirmation that your request to appear has been granted.

This matter will be addressed by the Board in accordance with the South Carolina Administrative Procedures Act, S.C. Code § 1-23-310, et seq., which describes your procedural rights. These rights include, but are not limited to, the right to respond and present evidence and testimony on all issues involved. You have the right, at your expense, to be represented by legal counsel who may be helpful in guiding you through the process explained below. If you plan to be represented by an attorney, please provide us with his or her name and contact information as possible.

LLR's staff will supply the Board members with a copy of your application and any other information you submitted with the application.

Is there anything that we can do as her employer to help her achieve an esthetics license through the State of South Carolina?

I really appreciate you looking over this email. If you need anymore information, I have all of her information that I can pass along to you.

Thanks again and I look forward to hear from you.

Alexis Sargo
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