

RECEIVED

Jul 28 2025

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Dale Van Slambrook, Circuit Court Judge

Appellate Case No. 2024-001734

Olga Teslenko, Appellant,

v.

Joe Kocsis and Carpet King & Flooring, Respondents.

MOTION TO AMMEND DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant respectfully moves this Court for leave to amend the previously filed Designation of Matter to Be Included in the Record on Appeal. In support of this motion, Appellant states the following:

1. Appellant timely filed a corrected designation of matter on June 16, 2025, along with her initial brief, to bring the designation into compliance with the Court’s formatting rules. This corrected designation is currently filed in the record as “Designation of Matter – Corrected.”
2. The current designated record spans approximately 211 pages. While Appellant has endeavored to cite and rely on the designated material as efficiently as possible, she has

also taken care not to withhold any record material that was (a) admitted into evidence, (b) relevant to the issues raised in the brief, or (c) necessary to preserve issues for review. The length reflects the complex and unusual nature of the case rather than a lack of editorial discipline.

3. Appellant now respectfully seeks to amend the designation by adding no more than four additional pages:
 - a. Three pages, including two pages containing the inspection report's findings and one page showing the inspector's professional credentials. These exhibits were returned by the magistrate and form part of the original trial record. Although cited in the brief, they were not previously designated. Appellant now understands that referencing these exhibits through her own statement may be deemed hearsay, and therefore seeks to designate the findings directly.
 - b. One photo, also returned by the magistrate, which was rendered illegible during scanning. This image is not designated for its factual content, but rather to demonstrate the manner in which the evidentiary record was spoiled—specifically, how key trial exhibits were rendered unreadable in the appellate record. Appellant designates only a single illegible photo for this purpose to minimize burden while preserving this central claim.
4. Appellant does not seek to add any newly created materials, only pages that were already part of the trial record and were admitted below.
5. No party will be prejudiced by the requested amendment. The proposed additions are minimal and targeted, and are sought solely to ensure that the Court has access to the clearest possible record in reviewing the serious issues raised on appeal.

WHEREFORE, Appellant respectfully requests that this Court grant leave to amend the designation of matter to include three additional pages as described above.

Respectfully submitted,

Dated: July 28, 2025

/s/ Olga Teslenko

100 Fountain Pointe Ln, Unit 103,

Myrtle Beach, SC 29579.

(510) 388-2780

osenochen@gmail.com

Pro Se Appellant.

**Proposed Pages to Add to the
Designation
of Matter to be Included in Record on
Appeal**

Tony Jones Flooring Inspections
142 Benjamin Home Ln.
Richlands, NC 28574
Phone: (910) 340-5898
Email: tony_jones04@yahoo.com

Date: 01/29/2024

Manufacturer: SHAW INDUSTRIES INC.

Dealer: _____ Phone #: _____

Consumer: OLGA TESLENKO Phone #: (510) 388-2780

Address: 100 FOUNTAIN POINTE LANE, UNIT 103

City: MYRTLE BEACH State: S.C. Zip: 29579

Claim #: 012924 Install Date: 11/09/2023

Type: _____ Style #: PRIME PLANK LVP Color #: 00717

Face Content: _____ Yards Installed: 525 SQ. FT.

Facility: RESIDENTIAL HOME

Method: DIRECT GLUE DOWN

Heat/Air Type: CENTRAL FORCED AIR

No. of Adults: ONE No. of Children: NONE

Complaint: PEELING PLANKS, BUBBLES, AND LIFTING

This Prime Plank flooring was installed on November 8th, 2023, in a residential home with a concrete slab foundation. The product under inspection is a glue down 7" x 48" x 2mm luxury vinyl plank color: tattered bamboard. The installation took place in the family room, master bedroom, and two closets of this residence, which is in Myrtle Beach, South Carolina. Ms. Teslenko was present during this inspection on Friday morning at 10:30a.m., February 2nd, 2024.

The customer is concerned that the industry guidelines were not followed and now the planks are peeling, bubbling, and lifting off the substrate. The porous and cracked concrete sub floor has absorbed the glue and the subfloor was not properly prepared for the luxury vinyl tile (picture 1-2, & 3). The full length of the install was thirty-two feet and three inches, and the planks installed in this area were lifting and peeling up (picture 4, 5, & 6). A non-invasive Floor Dot meter found excessively high moisture above 15% (picture 7). The air temperature was 65.3F with 42.7% humidity (picture 8). The floor temperature was 62.2F in the shaded areas of the living room (picture 9). The air temperature was 64.9F with 43% humidity in another section of the room (picture 10). A non-invasive Wagner meter found excessive moisture of 15.4% in the family room (picture 11). The floor temperature was 62.9F in the direct light of the bedroom (picture 12). The edges are continuously lifting throughout the installed areas and creating a severe tripping hazard (picture 13, 14, 15, & 16). The butt end joints are gapped 1/16" in the family room and master bedroom (picture 17, 18, & 19). The sub floor has depressions, dips, and valleys over 3/16" in a 6' radius (picture 20 & 21). The installed planks did not have glue transfer on the back (picture 22). The non-invasive Wagner meter found excessive moisture of 16.7% in the front corner of the family room (picture 23). Pictures indicate the major floor deviations and dips over 5/16" on the perimeter that needed to be corrected prior to the install (picture 24, 25, 26, 27, 28, & 29). The previously installed vinyl planks in the foyer were glued down using a 1/16" x 1/16" trowel and these planks are not pulling or lifting (picture 30). The recently installed planks in the family room were glued down with a 1/32" x 1/32" trowel (picture 31) and the master bedroom planks were glued down with a 1/16" x 1/16" trowel (picture 41). The substrate was not smooth, clean, and free from all foreign materials such as dust, old adhesive, etc. (picture 32 & 33). The trowel or glue did not appear

FILED
Horry County
2024 MAR 23
RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
4:19

pressed or smudged which would indicate that the products were not rolled with a 75-100lbs. roller to create transfer (picture 34, 35, & 36). The box label indicates this is item: V061600717-VE180 (picture 37). All the perimeter tackstrip holes, cracks, and deviations were not appropriately patched, prepared, or primed (picture 38, 39, 40, and 41). All the problems at this jobsite indicate a failure to comply to the installation guidelines as required by the manufacturer (picture 42, 43, 44). The water drop test indicates this is a porous substrate (picture 45).

CONCLUSION:

No manufacturer related problems were found at the time of inspection. All the problems inspected are jobsite and installation related issues. The retailer/installers did not follow the required protocol and guidelines set forth by the manufactures. The following procedures were not followed:

All substrates to receive moisture sensitive floor must be tested for moisture. All concrete substrates should be tested for IRH (Internal Relative Humidity). If the IRH is too high this can lead to mold, mildew, and other environmental issues. If the IRH is excessive then the concrete substrate should be sealed with an epoxy sealer.

All substrates shall be smooth, structurally sound, permanently dry, clean, and free of all foreign material such as old adhesive residue, etc. As seen in the previous pictures the substrate was not clean.

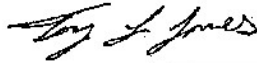
All concrete floors shall be flat and smooth within 1/8" in 6 feet. The use of cementitious patching and leveling compounds is required to fill in low depressions, dips, and cracks. All high spots shall be grinded down.

Perform bond testing to determine compatibility of adhesive to the substrate. Set a minimum of three planks in the adhesive overnight. If the planks are stuck, or the plank has adhesive transfer onto the back this indicates a good bond.

Porosity: water drop test will help determine porosity of the concrete. Knowing the porosity of the substrate will determine the how much glue and what size trowel to use. It is the flooring installer's responsibility to make sure these tests have been conducted, and that the results are acceptable prior to installing the floor covering. Flooring material

and adhesive must be acclimated to the installation area for a minimum of 48 hours prior to installation. Vinyl tile and plank to be installed over a porous substrate require a 1/16" x 1/16" x 1/16" sq. notch trowel. After the installation of floor covering, roll floor covering with a 75-100lbs. roller.

CCIA Member:



Inspection Agency:

F.C.I.T.S.

FILED
HORRY COUNTY
2024 MAY 23 PM 4:19
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC



Tony Jones

Tony Jones Floor Inspections
Provides: Residential Services
FCITS Expiration: July 2024

142 Benjamin Horne Lane, Richlands, NC 28574

✉ Tony_Jones04@yahoo.com (mailto:Tony_Jones04@yahoo.com)

☎ Primary Telephone: (910) 340-5898

☎ Alternate Telephone: (910) 340-5898

☎ Fax Number: (910) 324-2665

Certifications



Carpet Inspector



Hard Surface Inspector

FILED
HORRY COUNTY
2024 MAY 23 P 4: 19
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Floor Types

- Bamboo
- Carpet
- Carpet Tile
- Ceramic and Stone
- Cork
- Hardwood
- Laminate
- Linoleum
- Luxury Vinyl Tile and Plank
- VCT
- Vinyl
- Wool

Service Types

- Carpet Cleaning
- Concrete and Vapors Emissions Testing
- Concrete Moisture Testing
- Inspection
- Pile Grafting
- Reburling
- Side Match Correction
- Steaming



