



Effective March 4, 2015

January 28, 2015

*Protecting, maintaining and improving the health of all Minnesotans*

Carol Tepley  
Almost Famous Body Piercing  
350 East Broadway  
Bloomington, MN 55425

RE: MDH File Number: BAC14054

Dear Ms. Tepley:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) has determined that you aided or abetted technician in providing body art services without a license in your establishment, in violation of Minnesota Statutes, section 146B.08, subdivision 3(5), and Minnesota Statutes, section 146B.03, subdivision 1(a). Therefore, the Department is issuing you a reprimand and imposing a civil penalty in the amount of \$958. This action is authorized pursuant to Minnesota Statutes, section 146B.08, subdivision 4.

You may either accept the discipline as stated herein or you may appeal. If you accept, please pay the assessed civil penalty by check made payable to "Treasurer, State of Minnesota." If you wish to appeal the discipline, you must provide a written statement as to which facts are in error and the grounds for your appeal. Your written statement must be received within 30 days from the date this letter is received by you. During that 30-day period, you also have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and must include specific grounds for challenging the Department's decision.

You must provide a written statement of your decision to either accept or appeal the discipline outlined in the enclosed Determination, within 30 days of your receipt of this letter, to:

Gilbert Acevedo, Director of the Health Occupations Program  
Minnesota Department of Health  
PO Box 64882  
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Gilbert Acevedo at (651)201-3839. If you have any questions about this matter, please contact Chee Lee at (651)201-3728.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy Miner", with a checkmark at the end of the signature.

Darcy Miner, Director  
Health Regulation Division

Enclosure

cc: Gilbert Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Almost Famous Body Piercing  
City of Bloomington  
Body Art Establishment**

**AUTHORITY**

1. The Minnesota Department of Health (MDH) has authority to discipline a body art operator for violations of law under Minnesota Statutes, section 146B.08, subdivision 3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 4, the types of discipline MDH may impose include refusal to grant a license or any reasonable lesser action.
2. Pursuant to Minnesota Statutes, section 146B.08, subdivision 4(5), MDH may also impose a civil penalty, for each violation, not exceeding \$10,000 that deprives the operator of any economic advantage gained by the violation and reimburses MDH for costs of the investigation.
3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(5), MDH may take disciplinary actions on an operator of an establishment who has aided or abetted another person in violating any provision of this chapter.
4. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1(a), effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.

**FINDINGS OF FACT**

1. Almost Famous Body Piercing (hereinafter "Establishment") is located at 350 East Broadway in the City of Bloomington, Minnesota. Carol Tepley is the owner (hereinafter "Operator") of the Establishment.
2. Taylor O'Leary (hereinafter "Technician") works at Establishment as a body art technician- piercer. Technician's body art license expired on March 31, 2013 and renewed on January 14, 2014.
3. On October 20, 2013, MDH received a temporary body art technician license application. The applicant listed Technician as one of the supervisors.
4. On November 20, 2013, the matter was referred to the Investigation & Enforcement Unit for possible unlicensed practice.
5. On October 22, 2014, MDH sent a Notice of Illegal Practice letter to Operator. MDH requested a written response from Operator no later than November 24, 2014. MDH also

requested copies of the informed consent forms for Technician during the time her license lapsed.

6. On November 24, 2014, MDH received a written response along with the requested informed consent forms. According to the Establishment, they first became aware that Technician's license had expired on November 20, 2013. At that point, the Establishment suspended Technician and she was not allowed to perform any body art procedures until January 14, 2014, when her license was renewed.
7. A review of the informed consent forms show Technician provided 139 unlicensed pierce services. Specifically, Technician provided: 14 pierce services in April 2013, 12 pierce services in May 2013, 22 pierce services in June 2013, 25 pierce services in July 2013, 32 pierce services in August 2013, 12 pierce services in September 2013, 13 pierce services in October 2013, and 9 pierce services in November 2013.

### **CONCLUSION**

1. Operator failed to comply with the requirements under Minnesota Statutes, section 146B.08 subdivision 3 (5), as Operator allowed Technician to provide body art services in her Establishment even when Technician's license had expired, in violation of Minnesota Statutes, section 146B.03, subdivisions 1 (a).

### **DETERMINATION**

1. Operator is hereby reprimanded and assessed a civil penalty in the amount of \$958, which deprives Operator of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
  - Operator may pay the \$958 civil penalty in monthly installments of up to 9 months after the effective date of this action. If Operator chooses to make installments, she must notify MDH in writing about her intentions, including how many installments she intends to make, in what amount, and over which time period. Operator must send this information to: Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882, within 30 days of receipt of this document.
  - Each payment will be made by check to "State of Minnesota, Treasurer," and mailed to Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882, or any other address specified by MDH. Each payment is due by the last day of each month; however, technician may prepay at any time.
  - The penalty may be referred to the Minnesota Department of Revenue, or any other source for collection, if Technician misses a monthly payment by 14 calendar days after the established deadline. When this Order for a penalty becomes public and MDH refers the matter to MCE, MCE is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Technician without further notice or proceedings.