



Effective March 2, 2018

Protecting, Maintaining and Improving the Health of All Minnesotans

January 8, 2018

Denny Creed
Queen of Hearts Tattoo

RE: MDH File Number: BAC17040

Dear Mr. Creed:

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health (MDH) has determined that you provided body art services without a license, in violation of Minnesota Statute, section 146B.08, subdivision 3(3), and Minnesota Statute, section 146B.03, subdivision 1(a). Therefore, the Department is issuing you a reprimand and imposing a civil penalty in the amount of \$521.22. This action is authorized pursuant to Minnesota Statute, 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 at MDH 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 Statute, 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:

Catherine Dittberner Lloyd, Manager 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 Catherine Dittberner Lloyd at (651)201-3839. If you have any questions about this matter, please contact Patricia Forsberg at (651)201-3721.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Winkelmann', written over a horizontal line.

Susan Winkelmann, Assistant Division Director
Health Regulation Division

Enclosure

cc: Catherine Dittberner Lloyd, Manager of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Denny Mitchell Creed
Body Art Technician**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline body art technicians for violations of law under Minnesota Statute, section 146B.08, subdivision 3. Pursuant to Minnesota Statute, section 146B.08, subdivision 4, the types of discipline MDH may impose include refusal to grant a license, suspension of a license, or any reasonable lesser action.
2. Pursuant to Minnesota Statute, section 146B.08, subdivision 4(5), MDH may also impose, for each violation, a civil penalty not exceeding \$10,000 that deprives the licensee of any economic advantage gained by the violation and reimburses MDH for costs of the investigation.
3. Pursuant to Minnesota Statute, section 146B.08, subdivision 3 (3), a violation of any provision in the body art statute is a ground for disciplinary action.
4. Pursuant to Minnesota Statute, section 146B.03, subdivision 1 (a), Effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid tattoo technician license issued by the commissioner.
5. Pursuant to Minnesota Statute, section 13.41, disciplinary actions are public data.

FINDINGS OF FACT

1. On June 7, 2012, Danny Creed (hereinafter "Technician") was issued a full body art technician license. The license expired on March 31, 2014.
2. On August 4, 2014, Technician's body art license was renewed. The license expired on March 31, 2016.
3. Technician is currently employed at Queen of Hearts Tattoos (hereinafter "The Establishment").
4. On March 13, 2017, a letter of verification was sent to Technician asking if he provided body art with a lapsed license.
5. On April 19, 2017, Technician responded by checking the "yes" box, signifying that he did tattoo with a lapsed license.
6. On April 19, 2017, MDH sent a Notice of Illegal Practice letter to Technician.
7. MDH requested a written response, including copies of informed consent forms for all body art procedures Technician had performed since April 1, 2016, no later than December 21, 2016.

8. On May 16, 2017, Technician responded to the notice of investigation letter. Technician stated he “performed several body art services (tattoos only) during the aforementioned time frame.” Technician went on to say “I take full and sole responsibility for my actions in this matter”.
9. When asked why Technician provided body art without a valid license, Technician responded “I had been out of work for several months; severely hurting financially, and had no way of coming with the money”.
10. Technician admitted performing several illegal body art procedures from April 1, 2016 through March 31, 2017.

CONCLUSION

Technician did not comply with the requirements under Minnesota Statute, section 146B.03, subdivision 1 (a), and section 146B.08, subdivision 3 (3), because he continued to practice body art after the expiration of his body art technician license on April 1, 2016 and before the renewal of his license on March 31, 2017.

DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$521.22, which deprives Technician of the economic advantage gained by the violation and reimburses MDH \$321.22 for costs of the investigation.
 - a. Technician may pay the \$521.22 civil penalty in monthly installments of up to 6 months after the effective date of this action. If Technician chooses to make installments, he must notify MDH in writing about his intentions, including how many installments he intends to make, in what amount, and over which time period. Technician must send this information to: Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882, within 30 days of receipt of this document.
 - b. Each payment will be made by check to “State of Minnesota, Treasure,” and mailed to Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882. Each payment is due by the last day of each month; however, technician may prepay at any time.
 - c. The penalty may be referred to the Minnesota Collection Enterprise (MCE), 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 Statute, section 16D.17, to obtain a judgment against Practitioner without further notice or proceeding.