



Effectice June 23, 2014

Protecting, maintaining and improving the health of all Minnesotans

May 20, 2014

Joy Turner
The Golden Mirror of Greeley

RE: MDH File Number: BAC12037

Dear Ms. Turner:

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: [1] provided body art services without a license, in violation of Minnesota Statutes, section 146B.08, subdivision 3(3), and Minnesota Statutes, section 146B.03, subdivision 1 (a); and [2] provided body art services in an unlicensed establishment, in violation of Minnesota Statutes, section 146B.08, subdivisions 3(3), and Minnesota Statutes, section 146B.02, subdivisions 1. Therefore, MDH is issuing you a reprimand and imposing a civil penalty in the amount of \$630. This action is authorized pursuant to Minnesota Statutes, sections 214.10, and 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:

Anne Kukowski, Assistant 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 Anne Kukowski 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 that reads "Darcy Miner". The signature is written in a cursive, flowing style.

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Anne Kukowski, Assistant Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Joy Turner
Body Art Technician
The Golden Mirror of Greeley, Stillwater
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 214.131, subdivision 2; and 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.03, subdivision 1, effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.
4. Pursuant to Minnesota Statutes, section 146B.02, subdivision 1, effective January 1, 2011, no person shall maintain or operate a body art establishment without an establishment license issued by MDH.
5. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(3), a violation of any provision in the body art statute is a ground for disciplinary action.

FINDINGS OF FACT

1. The Golden Mirror of Greeley (hereinafter "Establishment") located at 1675 S. Greeley St, Suite #104, Stillwater, Minnesota is licensed as a body art establishment, under license number 410148, effective December 1, 2011. Joy Turner is the sole owner/operator (hereinafter "Operator") of the Establishment.
2. On September 6, 2011, MDH received a complaint that Operator was providing permanent makeup services at the Establishment without a technician's license.
3. On September 8, 2011, MDH sent a Notice of Illegal Practice letter to Operator.

4. On September 28, 2011, MDH received body art technician license and body art establishment license applications from Operator. Initially, Operator did not include the required establishment license fee and therefore an establishment license was not issued until December 1, 2011.
5. Operator's body art technician license application was also incomplete. On October 19, 2011, November 28, 2011, and April 2, 2012, MDH sent two emails and a letter to Operator advising her that her application could not be processed as it was incomplete. The emails and letter informed Technician of a list of items she needed to provide to MDH in order to process her application. The list included verification of experience. Verification of experience is evidence of 2,080 hours of tattooing in the past five years. Minnesota Statutes, section 146B.03, subdivision 10, repealed in 2013, required evidence of 2,080 hours of tattooing to allow an individual to be "grandfathered" in.
4. On December 6, 2012, Operator was issued a full body art technician license.
5. On March 3, 2014, MDH sent another Notice of Illegal Practice letter to Operator. The letter requested Operator's informed consent forms from January 1, 2011 to December 5, 2012.
6. On March 24, 2014, MDH received the requested informed consent forms. Operator also admitted in the response to providing body art services without a technician's license.
7. Based on the informed consent forms, Operator performed a total of 13 permanent makeup services without a technician's license. Operator performed 2 permanent makeup services in January 2011, 1 permanent makeup service in March 2011, 2 permanent makeup services in April 2011, 2 permanent makeup services in June 2011, 1 permanent makeup service in July 2011, 2 permanent makeup services in December 2011, 1 permanent makeup service in January 2012, 1 permanent makeup service in February 2012, and 1 permanent makeup service in June 2012.
8. Based on the same informed consent forms, Operator performed 8 permanent makeup services without an establishment license.

CONCLUSION

1. Operator did not comply with the requirements under Minnesota Statutes, section 146B.03, subdivision 1. Operator performed body art services between January 2011 through June 2012, but did not obtain licensure until December 6, 2012.
1. Operator did not comply with the requirements under Minnesota Statutes, section 146B.02 subdivision 1. Operator performed body art services in the Establishment from January 2011 through July 2011. Establishment was not licensed until December 1, 2011.

DETERMINATION

1. Operator is hereby reprimanded and assessed a civil penalty in the amount of \$630, which deprives Operator of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Operator may pay the \$630 civil penalty in monthly installments of up to 6 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 Collection Enterprise (MCE), part of 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.