



Effective September 26, 2014

August 19, 2014 *Protecting, maintaining and improving the health of all Minnesotans*

Mr. Eric S. Johnson

RE: MDH File Number: BAC11050

Dear Mr. Johnson:

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 failed, within 30 days, to provide information in response to a written request by the commissioner, in violation of Minnesota Statute, section 146B.08, subdivision 3(2). Therefore, MDH is suspending your license as a Body Art Technician; however, the suspension will be lifted and your license will be reinstated upon:

1. Receipt of your response to MDH's inquiries regarding your body art practice without a license, and,
2. Payment of \$134 for reimbursement for MDH's cost of investigation in this matter to date.

Upon suspension, you shall cease: [1] to perform body art under Minnesota Statute, section 146B.08, subdivision 5(1), [2] to use protected titles under Minnesota Statute, section 146B.08, subdivision 5(2), and [3] to represent to the public that you are licensed by the commissioner under Minnesota Statute, section 146B.08 subdivision 5(3).

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 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

Mr. Eric S. Johnson

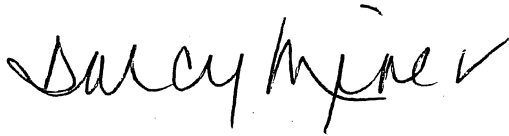
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You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Gilbert Acevedo at (651)201-3727. If you have any questions about this matter, please contact Chee Lee at (651)201-3728.

Sincerely,

A handwritten signature in black ink that reads "Darcy Miner". The signature is written in a cursive style with a checkmark at the end.

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Gilbert Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Eric S. Johnson
Body Art Technician**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline body art technicians 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, suspension of a license, or any reasonable lesser action.
2. Pursuant to Minnesota Statutes, 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 Statutes, section 146B.08, subdivision 3(2), MDH may discipline a technician if they fail, within 30 days, to provide information in response to a written request by the commissioner.

FINDINGS OF FACT

1. On December 23, 2010, Eric S. Johnson (Hereinafter "Technician") submitted to MDH a full body art technician license application. The application was incomplete and therefore never processed. In the application, Technician listed Elements of Creativity in Minneapolis as his place of work and that he has been there since May 2010.
2. On May 23, 2011, MDH received information that Technician was no longer working at Elements of Creativity. MDH received further information that Technician was providing body art in his apartment.
3. On May 24, 2011, MDH sent a Notice of Illegal Practice letter to Technician. MDH requested a written response from Technician no later than April 20, 2011. MDH did not receive a written response from Technician.
4. On June 17, 2013, Technician was issued a temporary body art technician license. The temporary license expired on June 17, 2014.

5. On April 3, 2013, MDH sent a second Notice of Illegal Practice letter to Technician. MDH requested a written response from Technician no later than May 5, 2014. MDH did not receive a written response from Technician.
6. On June 18, 2014, MDH sent a third and final Notice of Illegal Practice letter to Technician. MDH requested a written response from Technician no later than July 28, 2014. MDH did not receive a written response from technician.
7. On June 19, 2014, Technician was issued a full body art technician license.

CONCLUSION

1. Technician failed to comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3(2) when he failed, within 30 days, to provide information in response to a written request by the commissioner.

DETERMINATION

1. Technician is hereby suspended and assessed a civil penalty in the amount of \$134, which reimburses MDH for costs of the investigation. The suspension of Technician's license will be lifted upon MDH's receipt of Technician's response regarding his practice of body art without a license and a check in the amount of \$134 to reimburse MDH for costs of investigation. The check of \$134 is to be made out to "Treasurer, State of Minnesota," and mailed to Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882, or any other address specified by MDH.