



Protecting, maintaining and improving the health of all Minnesotans

October 27, 2017

Effective 12/01/2017

Brandon Noetzel

RE: MDH File Number: BAC17047

Dear Mr. Noetzel:

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] failed to comply with the requirements under Minnesota Statutes, section 146B.02 subdivision 1(a) when you operated One Life Tattoo without a valid establishment license. Therefore, MDH is imposing a civil penalty in the amount of \$1,468. This 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 "State of Minnesota, Treasurer." 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:

Catherine Lloyd, Manager, Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

Noetzel, Brandon
October 27, 2017
Page 2 of 2

You may also fax it to Catherine 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 "S. Winkelmann". The signature is fluid and cursive, with a large initial "S" and a long horizontal stroke at the end.

Susan Winkelmann, Assistant Division Director
Health Regulation Division

Enclosure

cc: Catherine Lloyd, Manager of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination in the Matter of
One Life Tattoo
Body Art Establishment**

AUTHORITY

1. Pursuant to Minnesota Statutes, section 146B.02, subdivision 1(a), effective January 1, 2011, no person acting individually or jointly with any other person may maintain, own, or operate a body art establishment in the state without an establishment license issued by the commissioner.
2. Pursuant to the 2016 Minnesota Statutes, section 146B.02, subdivision 2(c), an establishment license must be renewed every three years.
3. The Minnesota Department of Health (MDH) has authority to discipline 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, suspension of a license, or any reasonable lesser action.
4. 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.
5. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.

FINDINGS OF FACT

1. One Life Tattoo (hereinafter "Establishment") located at 611 Washington Street, Brainerd, MN 56401 is licensed as a body art establishment, under license number 430076, effective December 15, 2010. Branden Noetzel is the owner (hereinafter "Operator") of the Establishment. The operator renewed his establishment license on September 19, 2013.
2. The establishment license expired on September 30, 2016.
3. On May 19, 2017, a representative from the Minnesota Department of Health (hereinafter "Inspector") conducting inspections of body art establishments in the Brainerd area, which included the area near Establishment's place of business. Inspector went to Establishment and determined Establishment continued to offer body art services after the licensure lapse.

4. Establishment voluntarily agreed to close the facility at 2:10 pm on Friday, May 19, 2017 until license was properly renewed.
5. MDH received Establishment renewal application on May 22, 2017. The license was approved on May 25, 2017
6. On May 31, 2017, MDH sent a Notice of Investigation letter to Operator. Along with a written response, MDH requested copies of informed consent forms for all body art procedures Technician had performed since October 1, 2016.
7. On July 3, 2017, Operator hand delivered his response to MDH. Operator included the requested informed consent forms.
8. Department staff determined the establishment conducted approximately 313 illegal body art procedures at Establishment from October 1, 2016 through May 25, 2017 by Operator and a second technician.

CONCLUSION

1. Establishment failed to comply with the requirements under Minnesota Statutes, section 146B.02 subdivision 1, as Operator was operating a body art establishment in the state without an establishment license issued by the commissioner. Operator also violated Minnesota Statute section 146B.08 subdivision 3(3) when he violated the aforementioned provision of this chapter.

DETERMINATION

1. Operator is hereby reprimanded and assessed a civil penalty in the amount of \$1,468, which deprives Establishment of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - a. Operator may pay the \$1,468 civil penalty in monthly installments of up to 20 months after the effective date of this action. If Operator 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. 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.
 - 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, 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.
 - c. The penalty may be referred to the Minnesota Department of Revenue, or any other source for collection, if Operator 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 Practitioner without further notice or proceeding.