



Effective December 5, 2014

Protecting, maintaining and improving the health of all Minnesotans

September 17, 2014

Joshua Strand
Good Times Tattoo Company

RE: MDH File Number: BAC14040

Dear Mr. Strand:

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 technicians in: [1] 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); and [2] providing body art services in your establishment, while under a temporary license, without any proper supervision, in violation of Minnesota Statutes, section 146B.08, subdivisions 3(5), Minnesota Statutes, section 146B.03, subdivisions 1 (a), and Minnesota Statutes, section 146B.03 subdivision 7. MDH has also determined that, as the operator of a body art establishment, you failed to maintain proper records for each body art procedure, in violation of Minnesota Statutes, section 146B.08 subdivision 3(3) and Minnesota Statutes, section 146B.07 subdivision 4. Therefore, the Department is issuing you a reprimand and imposing a civil penalty in the amount of \$706. 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)201-3727. 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". The signature is written in a cursive, flowing style.

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
Good Times Tattoo Company
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, effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.
5. Pursuant to Minnesota Statutes, section 146B.03, subdivision 7, a temporary license may be issued if a licensed technician agrees to supervise the applicant.
6. Pursuant to Minnesota Statutes, section 146B.01, subdivision 28, "supervision" means the physical presence of a technician licensed under this chapter while a body art is being performed.
7. Pursuant to Minnesota Statutes, section 146B.08 subdivision 3(3), MDH may take any of the disciplinary actions on an operator of an establishment who has violated any provision of this chapter.
8. Pursuant to Minnesota Statutes, section 146B.07 subdivision 4, for each client, the body art establishment operator shall maintain proper records of each procedure. The records of the procedure must be kept for three years and must be available for inspection by MDH upon request.

FINDINGS OF FACT

1. Good Times Tattoo Company (hereinafter "Establishment") located at Minnesota is licensed as a body art establishment, under license number 430168, effective June 21, 2012. Joshua Strand is the owner (hereinafter "Operator") of the Establishment.
2. On March 20, 2013, the Establishment was inspected by an MDH representative. The inspection report noted "evidence of practicing before licensure". Specifically, (hereinafter " ") had provided 58 tattoo procedures from November 14, 2012 to March 13, 2013 although he was not issued a temporary technician license until March 19, 2013. The inspection report also noted (hereinafter " ") had provided 5 tattoo procedures from October 23, 2012 to February 10, 2013 although he was not issued a temporary technician license until March 7, 2013.
3. On August 20, 2014 at approximately 2:20pm, an MDH representative entered the Establishment in an attempt to collect the informed consent forms that and had provided while unlicensed.
4. When asked to speak with the Operator, an employee of the Establishment, (hereinafter " "), stated Operator was not here, however, would be back soon as he has an appointment with a client at 3pm.
5. It was at this time that both (hereinafter " ") and (hereinafter " ") were observed tattooing clients inside the Establishment. Both and have temporary body art technician licenses and both are listed under Operator's supervision.
6. Both and were ordered to stop tattooing immediately and for the clients to reschedule when Operator was on the premise.
7. called Operator several times but could not reach him.
8. The MDH representative left the Establishment at approximately 2:30pm and returned at approximately 3pm.
9. Upon return, Operator was already inside the Establishment and waiting for the MDH representative.
10. When asked why and were allowed to tattoo without his supervision, Operator stated both technicians know what they are doing and have won numerous awards for their tattoo work.
11. Operator also added that he was not that far from the Establishment and that he was "only a phone call away". I advised Operator that tried calling him several times but could not able to get a hold of him.

12. When asked for _____ and _____'s informed consent forms, Operator stated he no longer had them. Operator stated both technicians took their informed consent forms with them when they left the Establishment as the forms served as their portfolio.

CONCLUSION

1. Operator failed to comply with the requirements under Minnesota Statutes, section 146B.08 subdivision 3 (5), as he allowed _____ and _____ to provide body art services in his Establishment before they were issued body art technician licenses, in violation of Minnesota Statutes, section 146B.03, subdivisions 1 (a).
2. Operator failed to comply with the requirements under Minnesota Statutes, section 146B.08 subdivision 3 (5), as he allowed _____ and _____, while under temporary licenses, to provide body art without their supervisors present, in violation of Minnesota Statutes, section 146B.03, subdivisions 1, and section 146B.03, subdivision 7. Although temporary licenses were issued to _____ and _____, temporary licenses are only deemed valid if the tattoo procedure is performed in the presence of and under the supervision of a licensed technician.
3. Operator failed to comply with the requirements under Minnesota Statutes, section 146B.08 subdivision 3 (3), as he failed to maintain records of all body art procedures that occurred at the Establishment for the past three years, in violation of Minnesota Statutes, section 146B.07 subdivision 4. When asked for _____ and _____'s informed consent forms, Operator could not produce them.

DETERMINATION

1. Operator is hereby reprimanded and assessed a civil penalty in the amount of \$706, which deprives Operator of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Operator may pay the \$706 civil penalty in monthly installments of up to 6 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. 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.
 - 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.