



Effective June 7, 2015

*Protecting, maintaining and improving the health of all Minnesotans*

May 4, 2015

Jonathan Carpenter

RE: MDH File Number: BAC14020

Dear Mr. Carpenter:

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] operated a body art establishment without a valid body art establishment license, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (3), and Minnesota Statutes, section 146B.02, subdivision 1; [2] provided body art services in an establishment without a valid body art establishment license, in violation of Minnesota Statutes, section 146B.08, subdivisions 3 (3), and Minnesota Statutes, section 146B.02, subdivisions 4; [3] failed, as operator, to display a body art establishment license in a public area of the establishment, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (30), and Minnesota Statutes, section 146B.02, subdivision 5; [4] failed, as operator, to maintain proper records of each procedure, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (3) and Minnesota Statutes, section 146B.07, subdivision 4 (1). MDH has also determined that, as the operator of a body art establishment, you aided or abetted another technician in providing body art in an establishment with no valid body art establishment license, in violation of Minnesota Statutes, section 146B.08 subdivision 3(5) and Minnesota Statutes, section 146B.02 subdivision 4. Therefore, the Department is issuing you a reprimand and imposing a civil penalty in the amount of \$2,665. 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.

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Good Clean Fun Tattoos, City of Ramsey  
Body Art Establishment**

**AUTHORITY**

1. The Minnesota Department of Health (MDH) has authority to discipline operator of a body art establishments 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, for each violation, a civil penalty not exceeding \$10,000 that deprives the operator of an establishment of any economic advantage gained by the violation and reimburses MDH for costs of investigation.
3. 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.
4. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3 (5), aiding or abetting another person in violating any provision of Chapter 146B is a ground for disciplinary action.
5. Pursuant to Minnesota Statutes, section 146B.02, subdivision 1, effective January 1, 2011, no person may maintain, own, or operate a body art establishment unless it has a valid establishment license issued by MDH.
6. Pursuant to Minnesota Statutes, section 146B.02, subdivision 4, no person may perform body art procedures except in a licensed establishment.
7. Pursuant to Minnesota Statutes, section 146B.07, subdivision 4 (1), for each client, the body art establishment operator shall maintain proper records for each procedure. The records of the procedure must be kept for three years and must be available for inspection upon request. The record must include the date of the procedure.
8. Pursuant to Minnesota Statutes, section 146B.02, subdivision 5, a body art establishment license must be issued to a specific person and location and is not transferable. A license must be prominently displayed in a public area of the establishment.
9. Pursuant to Minnesota Statutes, section 146B.02, subdivision 9 (a), any body art establishment located within a county or municipal jurisdiction that has enacted an

Anoka County. I've attached the Notice of Violation letter we sent to Mr. Carpenter. I've also attached the email I sent to City of Ramsey Police Department. Their contact is on the email. He had sent in an application to become licensed, after receiving the Notice of Violation letter, but never paid the license fee and never received a pre-licensing inspection. He continued to operate out of his Ramsey shop anyways, that is why I got the police department involved. Ramsey City requires tattoo shops to get a business license and he never did, so the police closed his business until he got a license. Finally, I told him I was going to send his case to our County Attorney's office unless he sent a letter stating he was going to close shop. He brought in a letter (attached) and closed his shop in Ramsey. He vacated his shop and is no longer operating in Anoka County, as far as I know."

10. Attached to the email was the Notice of Violation letter to Operator. The letter was issued to Operator on February 25, 2014.
11. The letter states Operator violated two Anoka County ordinances:
  - a. Failure to obtain a license for operating a body art establishment as required by Ordinance 2003-2, section 2.3.
  - b. Failure to submit plans for the construction of a body art establishment as required by ordinance 2003-2, section 8.3.1.
12. The letter further states to Operator, "You are hereby ordered to correct the above violations by taking the following actions within the time specified: Immediately discontinue offering body art services until a plan review is complete and the establishment has obtained the appropriate body art license."
13. On April 15, 2014, MDH sent a Notice of Illegal Practice letter to Operator. MDH also requested copies of all the informed consent forms of body art procedures that occurred at establishment #2. Lastly, MDH requested a written response from Operator no later than May 15, 2014.
14. On May 16, 2014, MDH received a written response from Operator. In the written response, Operator stated, "The matter of licensing for Anoka County came to my attention from Stephanie Stark during her annual schedule. When first opening in Anoka County, I met with the acting inspector. During our meeting, he performed an inspection and told me I could operate. He collected my application paperwork and fee for the County, and the City of Ramsey. The City of Ramsey inspector came, signed off that no structural changes were made. Questioned the status of the sprinkler system. Commented that he was not sure what the inspection was for, except that it was a scheduled inspection. I met with Stephanie and after our meeting the shop remained closed and was vacated. The matter was satisfied and closed by Anoka County. Closing the establishment left me in the financial position of -\$37,268.48."
15. Enclosed with the letter of response were copies of all the informed consent forms MDH had requested from Operator.

with this email. According to Anoka County, Good Clean Fun Tattoo in Ramsey, MN was never licensed with Anoka County as was operating illegally until the notice of violation was sent. I coordinated with the City of Ramsey Police Department to ensure he was closed until he passed City and County inspections, which he never did.”

24. Based on the informed consent forms received from Operator on May 16, 2014, 55 body art procedures were performed at Establishment #2 from January of 2013 to February of 2014. Operator provided 31 tattoo procedures in an unlicensed establishment: 3 in March 2013, 3 in April 2013, 1 in May 2013, 2 in June 2013, 6 in July 2013, 2 in September 2013, 1 in October 2013, 3 in November 2013, 3 in December 2013, 4 in January 2014, and 3 in February 2014.
25. The other 24 tattoo procedures were provided by Nick Gagnon: 1 in December 2013, 9 in January 2014, 10 in February 2014, and 4 others with no date of procedure on the informed consent forms.

### CONCLUSION

1. Operator did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivisions 3 (3), because he operated a body art establishment without a body art establishment license, in violation of Minnesota Statutes, section 146B.02, subdivision 1.
2. Operator did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivisions 3 (3), because he provided body art in an establishment with no establishment license, in violation of Minnesota Statutes, section 146B.02, subdivision 4.
3. Operator did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivisions 3 (3), because he did not obtain an establishment license and therefore never had one to display in a public area of the establishment, in violation of Minnesota Statutes, section 146B.02, subdivision 5.
4. Operator did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivisions 3 (3), because four informed consent forms did not have the date of the procedure on it, in violation of Minnesota Statutes, section 146B.07, subdivision 4 (1).
5. Operator did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivisions 3 (5), because he allowed a license technician to provide body art in an establishment with no body art establishment license, in violation of Minnesota Statutes, section 146B.02, subdivision 4.



Effective June 8, 2014

*Protecting, maintaining and improving the health of all Minnesotans*

May 2, 2014

Jonathan Carpenter

RE: MDH File Number: BAC14004

Dear Mr. Carpenter:

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 Good Clean Fun Tattoos, Otsego, an establishment you own, has provided body art services without a body art establishment license, in violation of Minnesota Statutes, section 146B.02, subdivision 1. Therefore, the Department is issuing this reprimand and assessing a civil penalty in the amount of \$1,883. 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, Acting 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, appearing to read "Darcy Miner", is written over a horizontal line.

Darcy Miner, Director  
Compliance Monitoring Division

Enclosure

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

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Good Clean Fun Tattoos, Otsego  
Body Art Establishment**

**AUTHORITY**

1. The Minnesota Department of Health (MDH) has authority to discipline owners of body art establishments 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, for each violation, a civil penalty not exceeding \$10,000 that deprives the operator of an establishment of any economic advantage gained by the violation and reimburses MDH for costs of investigation.
3. 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.
4. Pursuant to Minnesota Statutes, section 146B.02, subdivision 1, effective January 1, 2011, no person may maintain, own, or operate a body art establishment unless it has a valid establishment license issued by MDH.
5. Pursuant to Minnesota Statutes, section 146B.02, subdivision 4, no person may perform body art procedures except in a licensed establishment.
6. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3 (5), aiding or abetting another person in violating any provision of Chapter 146B is a ground for disciplinary action.

**FINDINGS OF FACT**

1. Good Clean Fun Tattoos (hereinafter "Establishment"), a body art establishment, is located at 9010 Quantrelle Avenue #104, in Otsego, Minnesota. The license, number 430069, was issued on December 20, 2010 and expired on September 30, 2013.
2. The owner of the establishment is Jonathan Carpenter (hereinafter "Establishment Owner"). The Establishment Owner is a licensed Body Art Technician.

2. Establishment Owner failed to comply with the requirements under Minnesota Statutes, section 146B.08 subdivision 3 (5), section 146B.03, subdivisions 1, and section 146B.02, subdivision 1. Establishment Owner allowed licensed body art technicians to provide body art at his Establishment even though the establishment license had expired. Therefore, Establishment Owner aided and abetted technicians by knowingly allowing them to provide body art in his Establishment even though his establishment license expired.

### **DETERMINATION**

1. Establishment Owner is hereby reprimanded and assessed a civil penalty in the amount of \$1,883, which deprives him of the economic advantage gained by the violation and reimburses MDH for the costs of the investigation.
  - Establishment Owner may pay the \$1,883 civil penalty in monthly installments. The last payment may not be made later than 18 months after the effective date of this action. If the Establishment Owner 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 what time period. The Establishment Owner 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, the Establishment Owner 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 the Establishment Owner 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 the Establishment Owner without further notice or proceedings.