



Protecting, maintaining and improving the health of all Minnesotans

November 18, 2015

Randy Culver
Ace tattoo & Piercing



RE: MDH File Number 11018

Dear Mr. Culver,

The Minnesota Department of Health (MDH) has received your email regarding Disciplinary Determination, which became effect on May 2, 2011. In your email, you requested an unconditional body art technician license. This letter confirms you have met the conditions of the May 2, 2011 Determination. Therefore, the condition on your body art technician license is hereby removed.

Thank you for your cooperation in this matter. If you have any questions, I may be reached at (651) 201-3728.

Sincerely,

A handwritten signature in black ink, appearing to read "Chee Lee", with a long horizontal line extending to the right.

Chee Lee
Health Care Program Investigator
Health Occupations Program
Health Regulation Division
P.O. Box 64882
Saint Paul, MN 55164-0882

Effective 05/02/11



Protecting, maintaining and improving the health of all Minnesotans

April 25, 2011

Mr. Randy Newell Culver
Ace Tattoo Limited

RE: Body Art Technician Licensure Application

Dear Mr. Culver:

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 were disciplined by another jurisdiction for actions substantially equivalent to disciplinary grounds under Chapter 146B, in violation of Minnesota Statutes, section 146B.08, subdivision 3(6); and that you provided false information to the department related to that discipline, in violation of Minnesota Statutes, section 146B.08, subdivision 3(1). Therefore, the department is disciplining your right to practice body art. 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, you will be issued a conditional body art technician license. If you wish to appeal the discipline, you must provide a written statement as to which facts are in error and your 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 also be made in writing and 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:

Tom Hiendlmayr, 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 Mr. Hiendlmayr at (651)201-3839. If you have any questions about this matter, please contact Kyle Renell at (651)201-3727.

Sincerely,

A handwritten signature in black ink that reads "Darcy Miner". The signature is written in a cursive style and is positioned above the printed name and title.

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Tom Hiendlmayr, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Randy Newell Culver
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 214.131, subdivision 2, and Minnesota Statutes, section 146B.08, subdivision 3. The types of discipline MDH may impose include refusal to grant licensure or any reasonable lesser action.
2. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(1), a technician may be disciplined by the Commissioner if the technician intentionally submitted false or misleading information to the commissioner.
3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(6), a technician may be disciplined by the Commissioner if the technician has been disciplined by another jurisdiction, if any of the grounds for the discipline are the same or substantially equivalent to those under Chapter 146B.
3. Pursuant to Minnesota Statutes, section 146B.07, subdivision 1a, a technician may perform body piercings on an individual under the age of 18 if the individual's parent or legal guardian is present and a consent form and the required authorization form is signed by the parent or legal guardian in the presence of the technician.

FINDINGS OF FACT

1. Randy Newell Culver (Hereinafter "Technician") submitted an application for licensure as a body art technician. On the application, dated December 10, 2010, and received on December 16, 2010, Technician stated he held a valid license issued by Hennepin County. Technician also answered "no" to Question 15, which asks whether action is or ever has been taken against the applicant related to the practice of body art in any jurisdiction.
2. By letter dated December 20, 2011, MDH staff requested Technician provide information to complete his application, including submission of a Verification of Credential form to Hennepin County. The completed form was received from Hennepin County Public Health on January 12, 2011, and disclosed Technician was issued "several citations" and his license was "currently valid". Hennepin County staff provided copies of the citations on January 27, 2011, review of which determined:

- A. Technician was cited on September 10, 2009, for "failure to obtain written permission from non-custodial parent on minor; and "failure to maintain complete client records: description of procedure and parent ID on minor"; and
- B. Technician was cited on November 3, 2008, for "failure to register apprentices, and allowing them to do procedures without license" and failure to maintain client records with consent signatures and date of procedures." This case was disposed in 2009, along with the September 2009 charges..

The charges against Technician were disposed in 2009 with restrictions on apprenticeships, guest artists, and recordkeeping.

CONCLUSION

1. Technician should be disciplined because he did not comply with the requirements of Minnesota Statutes, section 146B.08, subdivision 3(1), which states a technician may be disciplined by the Commissioner if the technician intentionally submitted false or misleading information to the commissioner and Technician answered "no" to Question 15 regarding action taken by another jurisdiction related to the practice of body art.
2. Technician should be disciplined pursuant to Minnesota Statutes, section 146B.08, subdivision 3(6), which states a technician may be disciplined by the Commissioner if the technician has been disciplined by another jurisdiction, if any of the grounds for the discipline are the same or substantially equivalent to those under Chapter 146B. This is based on the Hennepin County violation regarding his failure to obtain written permission from a non-custodial parent for a minor, which is substantially similar to Minnesota Statutes, section 146B.07, subdivision 1a. The state statute states a technician may perform body piercings on an individual under the age of 18 if the individual's parent or legal guardian is present and a consent form and the required authorization form is signed by the parent or legal guardian in the presence of the technician.

DETERMINATION

1. Technician shall be issued a Conditional Body Art Technician license, with the following conditions:
 - The license will be conditional for a period of not less than two years;
 - Technician must neither pierce a minor without parental consent nor tattoo a minor under any circumstances. A determination that Technician has either pierced a minor without parental consent or tattooed a minor may result in the suspension of Technician's right to provide body art services in the State of Minnesota for a period of not less than one year;
 - Technician must abide by all more restrictive ordinances in any local or county jurisdiction in which he works. A determination that Technician has violated a

local or county ordinance related to body art may result in the suspension of Technician's right to provide body art services in the State of Minnesota for a period of not less than one year; and

- After a period of not less than two years, Technician may request the conditional status be removed from his licenses. To do so, Technician must:
 - Submit a written request for removal of the condition to the Director of the Health Occupations Program, Minnesota Department of Health, PO Box 64882, Saint Paul, MN 55164-0882; and
 - Include with his written request a statement from Hennepin County Human Services and Public Health Department that he has had no further incidents, either pending or concluded, related to body art services. In the event Technician changes work locations to an establishment outside Hennepin County, Technician must provide a statement from local or county authorities that he has not been the subject of any further incidents, either pending or concluded, related to body art services.