

Effective 10/27/11



Protecting, maintaining and improving the health of all Minnesotans

October 14, 2011

Mr. John Wesley Dickinson

RE: MDH File Number: BAC12044

Dear Mr. Dickinson:

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 provided body art services without a license from June 1, 2011, to September 23, 2011, in violation of Minnesota Statutes, section 146B.03, subdivision 1. Therefore, the Department is disciplining you with a reprimand and a civil penalty in the amount of \$426. 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 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 cursive script, appearing to read "Darcy Miner", is written over the printed name.

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
John Wesley Dickinson
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 4. The types of discipline MDH may impose include revocation or suspension of licensure, a civil penalty not exceeding \$10,000 which deprives the licensee of any economic advantage and reimburses MDH for costs of the investigation, or any reasonable lesser action.
2. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1, no individual may perform tattooing unless the individual holds a valid tattoo technician license issued by MDH pursuant to statute.

FINDINGS OF FACT

1. John Wesley Dickinson (Hereinafter "Technician") was licensed as a body art technician—tattoo on September 23, 2011.
2. By application dated May 17, 2011, and received on June 22, 2011, Technician applied for a body art technician--tattoo license. Technician stated he resided in Mankato, MN, and reported he had been working at a tattoo establishment in Sioux Falls, SD, since May 20, 2002. During the application review, Technician was asked to provide additional information to complete his application, including a Verification of Credential from the State of South Dakota and a signed copy of a statement from his employer in Sioux Falls, SD. The completed verification was received on September 1, 2011, and the signed statement was received on September 22, 2011.
3. On September 14, 2011, Investigations and Enforcement (I&E) staff received information that Technician was providing tattoo services at Mecca Tattoo in Mankato, MN. The same day, Technician was notified that he was prohibited from providing body art services in the State of Minnesota until he was licensed.
4. By e-mail dated September 22, 2011, Technician's employer advised Technician started working at Mecca Tattoo on June 1, 2011.

CONCLUSION

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.03, subdivision 1, because he worked without a body art technician license from June 1, 2011, to September 23, 2011.

DETERMINATION

1. Technician is hereby reprimanded.
2. Technician is ordered to pay a civil penalty in the amount of \$426, representing four months of unlicensed practice and to reimburse MDH for the costs of investigation.