



Minnesota
Department
of Health

Effective September 18, 2016

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

August 19, 2016

Amanda Hinrichs

RE: MDH File Number: BAC16048

Dear Ms. Hinrichs:

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] represented yourself as a body art technician by advertising tattoo services despite not being licensed as a body art technician in the state of Minnesota, in violation of Minnesota Statutes, section 146B.08, subdivision 3(3), and Minnesota Statutes, section 146B.03, subdivision 2(a); and [2] advertised in a manner that is false or misleading, in violation of Minnesota Statutes, section 146B.08, subdivision 3(8). Therefore, MDH is issuing you a reprimand and imposing a civil penalty in the amount of \$486. 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:

Anne Kukowski, Manager of the Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

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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 cursive script, appearing to read "Susan Winkelmann".

Susan Winkelmann, Assistant Director
Division of Health Regulation

Enclosure

cc: Anne Kukowski, Manager of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Amanda Hinrichs
Body Art Technician**

AUTHORITY

1. Pursuant to Minnesota Statutes, section 146B.03, subdivision 2(a), no individual may use the title of "tattooist," "tattoo artist," "tattoo technician," "body art practitioner," "body art technician," or other letters, words, or titles in connection with that individual's name which in any way represents that the individual is engaged in the practice of tattooing or authorized to do so, unless the individual is licensed and authorized to perform tattooing.
2. 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.
3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(8), the commissioner may take disciplinary action on proof that a technician advertised in a manner that is false or misleading.
4. The Minnesota Department of Health (MDH) has authority to discipline a body art technician 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.
5. 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.
6. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.

FINDINGS OF FACT

1. On January 27, 2011, Amanda Hinrichs, (hereinafter "Technician") was issued a full body art technician license. The license expired on March 31, 2012.
2. On April 1, 2012, Technician renewed her license. Technician's license expired on March 31, 2014.

3. Technician operated Ink Maven (hereinafter "Establishment") in Anoka County. The Establishment's body art establishment license expired on April 30, 2013. The Establishment's license was not renewed.
4. On May 9, 2016, MDH received an email with information that Technician was providing unlicensed body art services. Portions of the email stated "I am writing to inform of an illegal tattoo operation in Isanti Minnesota. It is being ran out of a filthy home with children and animals present, unclean environment and no licensing or health department approval. This person is also committing other violations, including asking for deposits but keeping the money without providing service. The person running this operation is Mandie Hinrichs and her address is _____ mn. She is operating under the name Stable Ink. She is the former owner of Ink maven."
5. A review of Facebook page, <https://www.facebook.com/Stable-Ink-460925917362867/>, has Technician posting pictures of body art work. Technician also advertised tattoo services and specials.
6. On June 28, 2014, Technician posted "Who wants a tattoo?" Technician received several inquiries to the post.
7. On July 25, 2014, Technician posted, "If you would like a custom tattoo text me at 651-_____"
8. On November 3, 2014, Technician posted, "OK I'm getting ready to possibly do a tattoo tour, who would like to see me come to their home town for some ink?"
 - a. A Facebook commenter replied back to Technician post with "me me me!!"
 - b. Another Facebook commenter replied to Technician's post with "You better come see us. I've got at least 7 people who want tattoos from you."
9. On December 13, 2015, Technician posted, "Please tell all your friends about Stable Ink! Like and share this page!!"
10. On March 4, 2016, Technician posted on her Facebook page, "Tax refund time!! Book a tattoo appointment with us by April 15th and we'll match you dollar for dollar on your tattoo. For example, if you spend \$100, you get tattoo time for \$200. If you spend \$500, you get tattoo time for \$1000 and so on. You must book an appointment no later than April 15th. Deposit required. Please PM us with any questions. P.S. Please share this post with EVERYONE YOU KNOW!!!"
11. On March 31, 2016, Technician posted, "Don't forget to book your appointment before April 15th to take advantage of the Tax Promo we are doing!"

12. On April 6, 2016, Technician posted, "9 days left of our Tax special. Set up an appointment or get tattooed by April 15th to double your tax money on your tattoo! Remember, \$50 gets you \$100 worth of work \$100 gets you \$200 worth of work and so on. Send us a message and we'll get right back to you!"
13. On May 10, 2016, MDH sent a Notice of Illegal Practice letter to Technician.
14. On June 10, 2016, MDH received a written response from Technician. In the response, Technician denied providing unlicensed body art services. Technician stated the pictures posted on her Facebook pages were tattoos performed while she was licensed. Technician stated she posted her tattoo portfolio online in hopes of finding work as a tattoo technician.
15. On June 19, 2016, MDH sent another letter with questions to Technician. In the letter, MDH asked Technician to provide an explanation for the tattoo advertisements and specials seen in her Facebook page.
16. On July 13, 2016, MDH received a response from Technician. In the response, Technician stated she advertised tattoo specials on Facebook because she was "in the process of opening a tattoo shop in Isanti" but the plans fell through.
17. In response to Findings of Fact #8, Technician stated she tattoos out of state and is licensed in Missouri.
 - a. MDH staff noted that both Facebook commenters from Findings of Fact #8a and #8b reside in Minnesota.
18. On June 27, 2016, MDH, received a body art technician license renewal application from Technician.
19. On July 13, 2016, Technician's license was renewed.

CONCLUSION

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3(3), because she advertised tattoo services after her license expired and before it was renewed, in violation of Minnesota Statutes, section 146B.03, subdivision 2(a).
2. Technician did not comply with the requirements under Minnesota Statutes, section 146B, subdivision 3(8), because she advertised tattoo specials, such as matching her

clients dollar for dollar during tax season, when she was not authorized to offer such services yet. Therefore, Technician misled the public with false advertisements.

DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$486, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Technician may pay the \$486 civil penalty in monthly installments of up to five months after the effective date of this action. If Technician chooses to make installments, she must notify MDH in writing about her intentions, including how many installments she 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.
 - 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.