

Effective 10/14/11



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

September 30, 2011

Ms. Megan Lynn Hoogland

Mecca Tattoo

RE: MDH File Number: BAC12045

Dear Ms. Hoogland:

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 individually and as owner and operator of Mecca Tattoo, allowed an individual to perform body art procedures without a license issued under the body art statute, in violation of Minnesota Statutes, sections 146B.05, subdivision 1(6), and 146B.08, subdivision 3(5). Therefore, the Department is issuing you a reprimand and assessing a civil penalty in the amount of \$75. 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 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, appearing to read "Darcy Miner", is written over the typed 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  
Megan Lynn Hoogland  
Body Art Technician,  
Individually and as Owner of  
Mecca Tattoo  
Body Art Establishment**

**AUTHORITY**

1. The Minnesota Department of Health (MDH) has authority to discipline body art technicians and establishments 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 imposition of a civil penalty not to exceed \$10,000 for each violation that deprives the licensee of any economic advantage gained by the violation and that reimburses the department for costs of the investigation.
2. Pursuant to Minnesota Statutes, section 146B.03, subdivisions 1 and 2, no individual may perform body art services unless the individual holds a valid license issued by MDH.
3. Pursuant to Minnesota Statutes, section 146B.05, subdivision 1(6), the owner or operator of a licensed establishment may be ordered by the commissioner to discontinue all operations of the licensed body art establishment or the commissioner may refuse to grant or renew, suspend, or revoke license upon evidence of any individual performing a body art procedure without a license as required by statute.
4. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(5), MDH may take disciplinary action on proof that a technician or an operator of an establishment has aided or abetted another person in violating any provision of the statute.

**FINDINGS OF FACT**

1. Megan Lynn Hoogland (Hereinafter "Technician"), was licensed as a body art technician on January 24, 2011. Mecca Tattoo (Hereinafter "Establishment"), owned and operated by Technician, was licensed on January 10, 2011.
2. On September 14, 2011, information was received that an individual identified as "John Dickinson" was providing body art services at Establishment. A check of the MDH database revealed "John Dickinson" was not licensed as a body art technician in the State of Minnesota.

3. In response to an MDH query, Technician admitted she allowed "John Dickinson" to provide services in Establishment prior licensure. Technician explained that she did so because "John Dickinson" was licensed by the State of South Dakota and had submitted an application for licensure in the State of Minnesota.

### **CONCLUSION**

1. Technician, as owner and operator of Establishment, did not comply with the requirements under Minnesota Statutes, section 146B.05, subdivision 1(6), because she allowed an individual to perform a body art procedure without being licensed as required by statute.
2. Technician aided or abetted another person in violating the body art statute, in violation of Minnesota Statutes, section 146B.08, subdivision 3(5), which is a ground for disciplinary action.

### **DETERMINATION**

1. Technician, individually and as owner and operator of Establishment, is hereby reprimanded and assessed a civil penalty in the amount of \$75, to reimburse MDH for investigative costs.