



Minnesota
Department
of Health

Effective September 24, 2016

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

August 24, 2016

Jamie Houts
Get To The Point Tattoos
3609 White Bear Avenue North
White Bear Lake, MN 55110

RE: MDH File Number: BAC15049

Dear Ms. Houts:

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] provided body art without a body art technician license, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (3) and Minnesota Statutes, section 146B.03, subdivision 1 (a); [2] 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 \$765. 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

Jamie Houts
August 24, 2016
Page 2

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
Jamie Houts
Body Art Technician**

AUTHORITY

1. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1 (a), effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.
2. 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 words, letters, 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.
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 (8), the commissioner may take disciplinary action on proof that a technician advertised in a manner that is false or misleading.
5. The Minnesota Department of Health (MDH) has authority to discipline body art technicians 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.
6. 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 licensee of any economic advantage gained by the violation and that reimburses MDH for costs of the investigation.
7. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.

FINDINGS OF FACT

1. On May 20, 2015, MDH received an email with information that Jamie Houts (hereinafter "Technician") was tattooing without a body art technician license. Enclosed in the email were links to Technician's Facebook page, WIX site, and artist profile from inkedmag.com.
2. On May 20, 2015, MDH staff reviewed Technician's profile in inkedmag.com. In her profile, Technician stated she first started tattooing in 2012 and that she started her apprenticeship in Minnesota. Technician also stated "When it comes to tattooing I don't have a particular style. I love doing all of it. I think that in tattooing you are creating something special for that person and it needs to be in a style that fits them and their personality. You can see my profile at www.facebook.com/bluhalltattooartist."
3. On May 20, 2015, MDH staff reviewed Technician's Facebook page and the following were observed:
 - a. Technician advertised her tattoo services on a regular basis. The following post was observed several times throughout Technician's Facebook page: "Art is my passion and the more work I do in tattooing the more I love it. I get to create art and make something special for someone that has a deep meaning to them. It is my goal to provide comfortable environment while creating, personalized, one of a kind works of body art. I want my clients to feels confident that their body art will be the mark of pride and badge of honor is it meant to be."
 - b. Technician advertised a Halloween special. The advertisement, time stamped as October 7, 2014, stated, "SALE! For the whole month of October anyone who gets or starts a Halloween or Dia de Muertos (day of the dead) theme tattoo gets 25% OFF. Examples: skulls, sugar skulls, witches, pumpkins, zombies, grave yards, crypts, sarcophagus, vampires, demons, etc..."
 - c. Technician posted pictures of tattoo procedures she provided. Examples include:
 - i. A picture of a tattoo of two skulls and four roses, time stamped as November 9, 2014, with the caption, "How do you like this skulls and roses I did today?"
 - ii. A picture of a Vajra cross, time stamped as January 19, 2015, with the caption, "Just finished this Crossed Vajra tattoo."
4. On May 20, 2015, MDH staff reviewed Technician's Wix page and observed her mission statement as follows: "It is my goal to provide comfortable environment while creating,

personalized, one of a kind works of body art. I want my clients to feel confident that their body art will be the mark of pride and badge of honor it is meant to be.”

5. Underneath the mission statement are two links. One link is to navigate towards her inkedmag.com profile. The other link is to set an appointment for a body art procedure.
6. On May 20, 2015, MDH staff sent Technician a message through the appointment screen from her Wix page. The message informed Technician she was not licensed as a body art technician in Minnesota and for her to cease her body art activities.
7. Technician ignored the message sent from MDH staff and continued posting pictures of her tattoo work and advertisements mentioned in Findings of Fact #3 (a).
8. On December 21, 2015, MDH received a temporary body art technician license application from Technician.
9. On January 8, 2016, Technician was issued a temporary body art technician license.
10. On May 4, 2016, MDH sent Technician a Notice of Illegal Practice letter. MDH requested a response from Technician no later than June 6, 2016. MDH did not receive a response from Technician.
11. On June 13, 2016, MDH sent Technician a final Notice of Illegal Practice letter. MDH requested a response from Technician no later than July 1, 2016.
12. On June 29, 2016, MDH received a letter of response from Technician. In the letter, Technician admitted to tattooing without a body art technician license.

CONCLUSION

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivisions 3 (3), because she practiced body art before she was issued a technician’s license, in violation of Minnesota Statutes, section 146B.03, subdivision 1 (a).
2. Technician did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3 (3), because she advertised her tattoo services in social media pages when she was not authorized to offer such services. Therefore, Technician misled the public with false advertisements and is in violation of Minnesota Statutes, section 146B.03, subdivision 2 (a) and section 146B.08, subdivision 3 (8).

DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$765, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Technician may pay the \$785 civil penalty in monthly installments for up to seven 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 time period. Technician 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 Practitioner misses a monthly payment by 14 calendar days after the established deadline.