



Minnesota
Department
of Health

November 17, 2015

Brian Lee Johnson Jr.
Tatau International Tattoo
aka Tattooed Johnson
127 West Lake Street
Chisholm, MN 55719

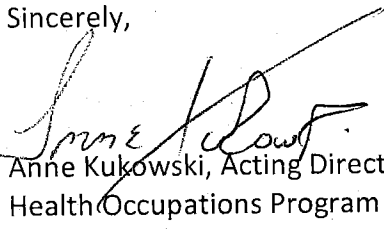
RE: MDH File Number BC13023

Dear Mr. Johnson,

The Minnesota Department of Health has received your letter regarding the Disciplinary Determination, which became effect on April 8, 2013. In your letter, you requested an unconditional body art establishment license. This letter confirms you have met the conditions of the April 8, 2013 Determination, including payment of a civil penalty and correction of the deficiencies noted in the January 29, 2013 Cease and Desist Order. Therefore, the condition on your body art establishment license is hereby removed.

Thank you for your cooperation in this matter. I may be reached at (651) 201-3721 if you have any questions.

Sincerely,



Anne Kukowski, Acting Director
Health Occupations Program
Health Regulation Division
P.O. Box 64882
St. Paul, MN 55164-0882



Effective: 04/08/2013

Protecting, maintaining and improving the health of all Minnesotans

March 7, 2013

Brian Lee Johnson, Jr.
Tattooed Johnson
217 West Lake Street
Chisholm, MN 55718

RE: MDH File Number: BAC13023

Dear Mr. Johnson:

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 have satisfied the requirements for issuance of a conditional body art establishment license. If you agree with the terms of this letter and Determination, including the payment of a civil penalty of \$1,478.00 for the costs of the investigation to date; and upon demonstration you have corrected the deficiencies noted in the January 29, 2013 Cease and Desist Order and this Determination, this serves as your written authorization to reopen Tattooed Johnson, under MDH License No. C410134.

If you accept this Determination, you will be issued a conditional body art establishment license by Matt Duff after inspection of your establishment; and you will have six months to 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 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 must 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:

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

You may deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Ms. Kukowski at (651)201-3839. If you have any questions about this matter, please contact Catherine Dittberner Lloyd at (651)201-3706.

Sincerely,

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Anne Kukowski, Assistant Director, Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Tattooed Johnson
Body Art Establishment**

AUTHORITY

1. Pursuant to Minnesota Statutes, section 146B.05, subdivision 1, clause (9), the Commissioner of Health (MDH) may order a body art establishment to discontinue operations for failure to maintain records. Pursuant to subdivision 2 of this section, prior to reopening the establishment, the establishment shall submit to the commissioner satisfactory proof that the problem condition causing the need for the emergency closure has been corrected; and the establishment may not reopen without the written approval of MDH.
2. Pursuant to Minnesota Statutes, section 148B.08, subdivision 3(3), MDH has the authority to discipline body art technicians and establishments for violating any of the provisions of Chapter 146B.
3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 4 and Minnesota Statutes, sections 214.131, subdivision 2, MDH has the authority to discipline body art establishments and technicians for violations of law. The types of discipline MDH may impose include: refusal to grant or renew a license, suspension or revocation, a civil penalty for each violation, not exceeding \$10,000 that deprives the licensee of any economic advantage gained by the violation and that reimburses MDH for the costs of the investigation and any reasonable lesser action.
4. Minnesota Statutes, section 146B.07, subdivision 6 requires body art operators and technicians to comply with all applicable state, county and municipal requirements regarding public health; and section 146B.09 states that nothing in Chapter 146B preempts or supersedes any county or municipal ordinance relating to land use, building and construction requirements, nuisance control, or the licensing of commercial enterprises in general.

FINDINGS OF FACT

1. Tattooed Johnson [hereinafter "Establishment"] located at 217 West Lake Street, Chisholm, Minnesota was licensed as a body art establishment, under license number 410134, effective May 27, 2011. Brian Lee Johnson, Jr. is the sole owner/operator [hereinafter "Operator"] of the Establishment and is a licensed Body Art Technician.

2. On January 29, 2013, MDH and the City of Chisholm inspected the Establishment. The Operator was unable to produce records as required by Minnesota Statutes, section 146B.07. MDH issued a Cease and Desist Order and ordered Tattooed Johnson to discontinue operations for failure to maintain records as required by Minnesota Statutes, section 146B.07. During the inspection, the City of Chisholm noted building and fire code deficiencies.
3. Between February 15, 2013 and February 25, 2013, the Operator cooperated with MDH to correct the deficiencies leading to the emergency disclosure of the Establishment.

CONCLUSION

The Operator has met the requirements for issuance of a conditional Establishment license and to reopen the Establishment.

DETERMINATION

1. The Operator shall be issued a conditional body art establishment license. The Operator and all body art Technicians employed, under contract, including trainees and apprentices shall:
 - A. Comply with all requirements of Minnesota Statutes, Chapter 146B;
 - B. Comply with all county and municipal ordinances;
2. The Operator may apply for removal of the condition not sooner than six months after the effective date of this Determination, or September 7, 2013. The request must be submitted in writing and the Operator must provide the specific reasons for requesting the Establishment license be issued without conditions.
3. This Determination does not preclude MDH from taking other disciplinary actions against the Operator or any of the Technicians associated the Establishment for other violations of Minnesota Statutes, Chapter 146B.
4. Within six months of the effective date of this Determination, the Operator shall pay a civil penalty of \$1,478.00 representing the costs of the investigation to date. The payment of \$1,478.00 shall be in the form of a money order or check, made payable to: "Treasurer, State of Minnesota" and mailed to: Health Occupations Program, Investigation and Enforcement Unit, Minnesota Department of Health, P.O. 64882, Saint Paul, MN 55164-0882.