



Minnesota  
Department  
of Health

Effective April 4, 2016

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

February 29, 2016

Mr. Samuel T. Dunn  
Holy Mackerel  
146 Forbes Avenue  
Saint Paul, MN 55102

RE: MDH File Number: BAC16028

Dear Mr. Dunn:

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, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (3), and Minnesota Statutes, section 146B.03, subdivision 1 (a). Therefore, MDH is issuing you a reprimand and imposing a civil penalty in the amount of \$2,168. This action is authorized pursuant to Minnesota Statutes, sections 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 the grounds for your appeal. Your written statement must be received within 30 days from the date you received this letter. 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.

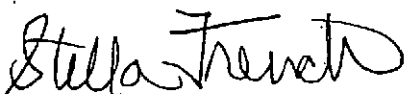
You must provide a written statement of your decision to either accept or appeal the discipline outlined in the enclosed Determination, within 30 days of your receipt of this letter, to:

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

Samuel Dunn  
Page 2  
February 29, 2016

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 that reads "Stella French".

Stella French, Assistant Director  
Health Regulation Division

Enclosure

cc: Anne Kukowski, Manager of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Samuel T. Dunn  
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 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, suspension of a license, or any reasonable lesser action.
2. 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 reimburses MDH for costs of the investigation.
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.03, subdivision 1 (a), Effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid tattoo technician license issued by the commissioner.
5. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.

**FINDINGS OF FACT**

1. On March 14, 2011, Samuel T. Dunn (hereinafter "Technician") was issued a full body art technician license. The license expired on March 31, 2013.
2. On March 31, 2013, Technician's body art license was renewed. The license expired on March 31, 2015.
3. On December 23, 2015, MDH received a renewal application from Technician. Technician's body art license was renewed on December 29, 2015.
4. Technician is currently employed at The Holy Mackerel (hereinafter "The Establishment").

5. On December 31, 2015, MDH sent a Notice of Illegal Practice letter to Technician.
6. MDH requested a written response, including copies of informed consent forms for all body art procedures Technician had performed since April 1, 2015, no later than February 1, 2016. MDH did not receive a response from Technician.
7. On February 1, 2016, MDH sent a final Notice of Illegal Practice letter to Technician. MDH requested a written response no later than February 15, 2016.
8. On February 18, 2016, Technician dropped off his response, along with all the requested informed consent forms, at MDH. Technician also enclosed a list of his clients and the amount charged for the body art procedures.
9. When asked why Technician provided body art without a valid license, Technician responded with "It's a problem that was cause by having tax liens and being audited by the IRS. February 19<sup>th</sup>, 2015 is when they started to seize all my accounts in my name. Not to mention suffering from systemic Lupus Nephritis that kept giving me problems as well being hospitalized."
10. Tallying all the informed consent forms provided, Technician performed 371 illegal body art procedures from April 1, 2015 through December 28, 2015. Specifically, Technician provided: 29 illegal body art procedures in April 2015; 40 illegal body art procedures in May 2015; 45 illegal body art procedures in June 2015; 48 illegal body art procedures in July 2015; 43 illegal body art procedures in August 2015; 29 illegal body art procedures in September 2015; 41 illegal body art procedures in October 2015; 42 illegal body art procedures in November 2015; and 54 illegal body art procedures in December 2015.
11. Tallying the amount Technician charged his clients for illegal body art procedures from April 1, 2015 to December 28, 2015 amounted to over \$60,000.

### **CONCLUSION**

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.03, subdivision 1 (a), and section 146B.08, subdivision 3 (3), because he continued to practice body art after the expiration of his body art technician license on March 31, 2015 and before the renewal of his license on December 29, 2015.

## DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$2,168, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
  - Technician may pay the \$2,168 civil penalty in monthly installments of up to 20 months after the effective date of this action. If Technician chooses to make installments, he must notify MDH in writing about his intentions, including how many installments he intends to make, in what amount, and over which 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, Treasure," 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. When this Order for a penalty becomes public and MDH refers the matter to MCE, MCE is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Practitioner without further notice or proceeding.