



Effective May 24, 2014

Protecting, maintaining and improving the health of all Minnesotans

April 17, 2014

Marshal Charloff
Good Look Ink

RE: MDH File Number: BAC14006

Dear Mr. Charloff:

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 Good Look Ink, Burnsville, an establishment you own, has provided body art services without a body art establishment license, in violation of Minnesota Statutes, section 146B.02, subdivision 1. Therefore, the Department is issuing this reprimand and assessing a civil penalty in the amount of \$732. 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 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, Acting 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 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 black ink that reads "Darcy Miner".

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Anne Kukowski, Acting Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Good Look Ink, Burnsville
Body Art Establishment**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline owners of body art establishments for violations of law under Minnesota Statutes, section 214.131, subdivision 2, and 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.
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 operator of an establishment of any economic advantage gained by the violation and reimburses MDH for costs of 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.02, subdivision 1, effective January 1, 2011, no establishment may provide body art services unless the establishment has a valid establishment license issued by MDH.

FINDINGS OF FACT

1. Good Look Ink, Burnsville (hereinafter "Establishment"), originally opened in the city of Edina, MN. The City of Edina is in Hennepin County. All body art establishments in Hennepin County are exempt from state licensure requirement for establishments.
2. The owner of the establishment is Marshal Charloff (hereinafter "Establishment Owner").
3. On January 27, 2014, the establishment relocated to Burnsville, MN.
4. On February 10, 2014, MDH received a Minnesota Body Art Technician Renewal application from AM, who is also the vice president of the establishment. The application had the old address for the establishment crossed off and replaced it with a new address.

5. On February 11, 2014, MDH staff spoke with AM over the phone. AM admitted this was an oversight and that body art procedures have been performed at the establishment's new location in Burnsville, MN without an establishment license.
6. On February 13, 2014, MDH received a Body Art Establishment License application from the establishment. Enclosed with the application were the Informed Consent forms for all the body art procedures that had occurred at the establishment's new address.
7. On February 25, 2014, the establishment was issued an establishment license.
8. Based on the Informed Consent forms, the establishment provided 15 body art procedures from January 27, 2014 to February 18, 2014. Three body art procedures were provided in the month of January 2014 and twelve body art procedures were provided in the month of February 2014.

CONCLUSION

1. Establishment Owner failed to comply with the requirements under Minnesota Statutes, section 146B.02, subdivision 1. The establishment performed body art services between January 27, 2014 and February 18, 2014, but did not obtain licensure until February 25, 2014.

DETERMINATION

1. Establishment Owner is hereby reprimanded and assessed a civil penalty in the amount of \$732, which deprives him of the economic advantage gained by the violation and reimburses MDH for the costs of the investigation.
 - Technician may pay the \$732 civil penalty in monthly installments. The last payment may not be made later than 9 months after the effective date of this action. If the Establishment Owner 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 what time period. The Establishment Owner 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, the Establishment Owner 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 the Establishment Owner 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 the Establishment Owner without further notice or proceedings.