



Effective 2/13/18

Protecting, maintaining and improving the health of all Minnesotans

January 8, 2018

Mr. Clint Lasher
Pain Inkorporated
323 South 6th Street
Brainerd, MN 56401

RE: MDH File Number: BAC17037

Dear Mr. Lasher:

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health (MDH) has determined you failed to comply with a number of statutory requirements set forth by Minnesota Statute, section 146B. Therefore, MDH is suspending your license to practice body art and imposing a civil penalty for \$634. This action is authorized pursuant to Minnesota Statute, section 146B.08, subdivision 8(4).

Either you may 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 at MDH 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 Statute, 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:

Catherine Dittberner Lloyd, Manager 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 Catherine Dittberner Lloyd at (651)201-3839. If you have any questions about this matter, please contact Patricia Jo Forsberg at (651)201-3721.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Winkelmann", written over a horizontal line.

Susan Winkelmann, Assistant Division Director
Health Regulation Division

Enclosure

cc: Catherine Dittberner Lloyd, Manager of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Clint Lasher
Body Art Technician**

AUTHORITY

1. Pursuant to Minnesota Statute, 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 Statute, 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 Statute, section 146B.08, subdivision 3(2), The Minnesota Department of Health (MDH) may discipline a technician if they fail, within 30 days, to provide information in response to a written request by the commissioner.
4. Pursuant to Minnesota Statute, 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. MDH has authority to discipline body art technicians for violations of law under Minnesota Statute, section 146B.08, subdivision 3. Pursuant to Minnesota Statute, 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.
6. Pursuant to Minnesota Statute, 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.

FINDINGS OF FACT

1. On March 4, 2014, Clint Lasher (Hereinafter "Technician") was issued a full body art technician license. In the application, Technician listed Pain Inkorporated Tattoos in Brainerd, Minnesota as his place of work.
2. On January 15, 2016, MDH mailed Technician a renewal notice for his body art technician license. The renewal notice was sent to the address Technician had on file with MDH.

3. On April 1, 2016, MDH sent Technician a notice informing him his body art technician license expired on March 31, 2016. As of that date, Technician was no longer authorized to perform body art services in the State of Minnesota.
4. On March 24, 2017, Technician contacted MDH by phone inquiring as to why his body art technician license had not been updated on the MDH website.
5. MDH conducted a search of Pain Inkorporated Tattoo's Facebook page and found Technician was advertising his tattoo services and posting pictures of services he conducted on customers.
6. On March 30, 2017, MDH notified the Brainerd Police Department that Technician was conducting body art services without a license in violation of Minnesota Statute, 146B.03, subdivision 1.
7. On March 30, 2017, MDH sent a Notice of Illegal Practice letter to Technician. MDH requested a written response from Technician no later than May 1, 2017. MDH did not receive a written response from Technician.
8. On March 31, 2017, MDH was notified by the Brainerd Police Department that they met with Technician at Pain Inkorporated Tattoos, 217 South 7th Street, Brainerd, Minnesota. They advised Technician to cease all tattoo services until his body art technician license was renewed. Technician admitted that he had been conducting body art services but thought that he was okay since he was working towards his renewal. Technician advised Brainerd Police that he would cease body art services until his license was renewed.
9. On March 31, 2017, MDH received an email from Technician stating he submitted his body art technician license renewal along with a money order prior to his March 31, 2016 expiration. MDH did not receive his renewal information and informed of the circumstance him at that time.
10. On April 7, 2017, MDH received Technician's renewal application and his license was renewed.
11. On May 5, 2017, MDH sent a Technician a final Notice of Illegal Practice letter. MDH requested a written response from Technician no later than May 19, 2017. MDH did not receive a written response from Technician.

CONCLUSION

1. Technician failed to comply with the requirements under Minnesota Statute, section 146B.08, subdivision 3(2) when he failed, within 30 days, to provide information in response to a written request by the commissioner.

2. Technician did not comply with the requirements under Minnesota Statute, section 146B.08, subdivisions 3(3), because he continued to practice body art even after his body Art Technician license had expired, in violation of Minnesota Statute, section 146B.03, subdivision 1(a).
3. Technician did not comply with the requirements under Minnesota Statute, section 146B.08, subdivision 3(3), because he advertised his tattoo services in social media pages when he was not authorized to offer such services. Therefore, Technician misled the public with false advertisements and is in violation of Minnesota Statute, section 146B.03, subdivision 2(a) and section 146B.08, subdivision 3(8).

DETERMINATION

Technician is hereby suspended as a body art technician in the State of Minnesota. Technician is assessed a penalty of \$634.00; \$500.00 represents the civil penalty for the violation and \$134.00, reimburses MDH for costs of the investigation. In order to lift the suspension of Technician's license, Technician must respond to MDH's request regarding his practice as a body art technician without a license and pay the assessed fee. The check of \$634.00 is to be made out to "Treasurer, State of Minnesota," and mailed to Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882, or any other address specified by MDH.