



HEALTH OCCUPATIONS PROGRAM
HEALTH REGULATION DIVISION

**A Determination in the Matter of
Ava Quyen Nguyen
Body Art Technician 311858**

Authority:

1. The Minnesota Department of Health (MDH) has authority to discipline a technician or operator of a body art establishment for violations of law under Minnesota Statutes, section 146B.08, subdivision 3.
2. Pursuant to Minnesota Statutes, section 146B.08, subdivision 4, the types of discipline MDH may impose include refusal to grant a license, suspension or revocation of a license, imposition of a civil penalty, or any reasonable lesser action.
3. Minnesota Statutes, section 146B.02, subdivision 1, states no person acting individually or jointly with any other person may maintain, own, or operate a body art establishment in the state without an establishment license issued by the commissioner.
4. Minnesota Statutes, section 146B.02, subdivision 4, states no person may perform body art procedures at any location other than a body art establishment licensed under this chapter except as permitted under subdivisions 8 and 9.
5. Minnesota Statutes, section 146B.02, subdivision 5(a), states the body art establishment license must be issued to a specific person and location and is not transferable. A license must be prominently displayed in a public area of the establishment.
6. Minnesota Statutes, section 146B.02, subdivision 5(c), states that an owner of a licensed body art establishment who is relocating the establishment must submit an application for the new location.
7. Minnesota Statutes, section 146B.08, subdivision 3(3), the commissioner may take disciplinary actions on proof that a technician or operator of an establishment has violated any provision of this chapter.

Findings of Fact:

1. Ava Quyen Nguyen (Technician) is a licensed body art technician in the State of Minnesota. She obtained her full licensure, 311858, on April 3, 2017. Technician is the owner of Lash & Brows (Establishment) located in St. Paul, Minnesota.
2. On April 17, 2017, Technician obtained a provisional license for Lash & Brows, located at 688 Hague Avenue, Studio 15, St. Paul, Minnesota.

3. On January 31, 2019, MDH conducted an inspection of the Establishment. However, the Establishment at Studio 15 has relocated to Studio 17 at the same address.
 - a. Technician did not inform MDH that she was relocating to Studio 17. An Establishment license is only valid for the location for which it was issued. Technician failed to obtain a body art establishment license for this location.
 - b. The business's Yelp page advertises the studio location as 688 Hague Avenue, Studio 17, St. Paul, Minnesota. Multiple posts show that Technician provided body art procedures at this unlicensed location.
4. At the conclusion of the inspection, Technician voluntarily agreed to close her establishment until she obtained a body art establishment license for the Studio 17 location.

Conclusion:

Technician violated multiple sections of Minnesota Statutes, Chapter 146B, when she conducted body art procedures in an unlicensed location.

Determination:

MDH is imposing a civil penalty on Technician:

1. Technician must pay a civil penalty of \$500, to reimburse MDH for the cost of the investigation and to deprive Technician of any economic gain.
 - a. Technician must make the payment by check or money order, written to "Minnesota Department of Health," within 30 days of the effective date of this Determination. Technician must mail it to the address below:

Health Occupations Program
Body Art Civil Penalty
PO Box 64882
Saint Paul, MN 55164-0882
 - b. MDH may refer the penalty to 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.
2. If Technician would like to reopen her currently unlicensed establishment, she must submit an application for that location at the statutorily required rate of \$350.