



Effective 11-02-14

*Protecting, maintaining and improving the health of all Minnesotans*

September 17, 2014

Clifton A. Parker

RE: MDH File Number: BAC14005

Dear Mr. Parker:

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 \$479. 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:

Gil Acevedo, 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 Gil Acevedo 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: Gil Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Clifton A. Parker  
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 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, 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(2), 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 Statutes, section 146B.03, subdivisions 1, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.

**FINDINGS OF FACT**

1. On February 10, 2014, MDH received an email with information that Clifton A. Parker (Hereinafter "Technician") was piercing out of his home.
2. Included in the email is a link to Technician's Facebook page:  
[www.facebook.com/skinslayertattooingandpiercing](http://www.facebook.com/skinslayertattooingandpiercing).
3. A review of the above Facebook page on February 10, 2014 shows Technician advertising his body art services. On February 8, Technician posted, "Who needs a piercing at 12:36a.m.?" On February 6, Technician posted, "\$20 piercing special is now officially over. Back to regular prices...."
4. Further review of the above Facebook page has pictures of clients displaying the pierce they received from Technician. On February 1, Technician posted, "Just pierced another eyebrow. Anyone else interested in some new steel?"

5. On February 11, 2014, MDH sent a Notice of Illegal Practice letter to Technician. Enclosed with the letter is a body art application packet. MDH requested a written response no later than March 11, 2014. MDH did not receive a written response from Technician.
6. On April 1, 2014, MDH sent a second Notice of Illegal Practice letter to Technician. MDH requested a written response no later than May 1, 2014. MDH did not receive a written response from Technician.
7. On June 11, 2014, MDH received a temporary body art license application from Technician. On June 13, 2014, Technician was issued a temporary body art license.
8. On June 25, 2014, MDH sent a third and final Notice of Illegal Practice to Technician. MDH requested a written response no later than July 28, 2014. MDH did not receive a written response from Technician.
9. On August 8, 2014, MDH sent a letter of determination to Technician. The letter stated Technician failed, within 30 days, to provide information in response to a written request by MDH. The letter further states Technician's license is suspended and will remain so until he submits to MDH the requested information and a payment of \$143 for reimbursement for MDH's cost of investigation.
10. On September 2, 2014, MDH received a letter of response from Technician. The letter included a list of all the unlicensed body art procedures Technician had provided since January 1, 2011 and the amount he charged for each of his clients.
11. Based on the information from Technician's letter of response, he provided 41 body art procedures from January 2011 to March 2014. Specifically, Technician provided: 1 tattoo service in March 2011; 1 tattoo and 1 pierce services in January 2012; 4 tattoo and 3 pierce services in February 2012; 2 tattoo services in March 2012; 1 tattoo service in May 2012; 3 tattoo and 1 pierce services in June 2012; 1 tattoo service in May 2012; 1 tattoo service in December 2013; 3 tattoo and 2 pierce services in January 2014; 5 tattoo and 7 pierce services in February 2014; and 1 tattoo and 4 pierce services in March 2014.
12. Based on the information from Technician's letter of response, he charged a total of \$3,030 for the 41 body art procedures he provided.
13. On September 5, 2014, MDH received a check from Technician in the amount of \$63 as a show of good faith and Technician will pay the remaining \$80 when he can.

## CONCLUSION

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3 (3), because he practiced body art before he was issued a

technician's license on June 13, 2014, in violation of Minnesota Statutes, section 146B.03, subdivision 1 (a).

### **DETERMINATION**

1. Operator is hereby reprimanded and assessed a civil penalty in the amount of \$479 which deprives Operator of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
  - Operator may pay the \$479 civil penalty in monthly installments of up to 6 months after the effective date of this action. If Operator chooses to make installments, she must notify MDH in writing about her intentions, including how many installments she intends to do, in what amount, and over which time period. Operator 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, 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 Technician without further notice or proceedings.