



Protecting, maintaining and improving the health of all Minnesotans

April 19, 2018

Mr. David Stephen Charpentier



RE: MDH File Number BAC18029

Dear Mr. Charpentier,

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health (MDH) has determined that you violated multiple sections of Minnesota Statute 146B. Therefore, the department is issuing you a reprimand and imposing a civil penalty of \$4,372. In addition, your body art technician license is hereby suspended for a period of one year. The suspension will commence at the effective date of this determination. MDH has the authority for this action pursuant to Minnesota Statute, section 146B.08, subsections 4(4) and 4(5).

This decision is final and effective 30 days from the date you receive it. During that 30-day period, you have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. You shall make requests for a hearing in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send a written hearing request, within 30 days of your receipt of this letter, to:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Winkelmann", is written over the typed name.

Susan Winkelmann, Assistant Division Director
Health Regulation Division

Enclosure

CC: Catherine Dittberner Lloyd, Manager, Health Occupations Program

HEALTH OCCUPATIONS PROGRAM
HEALTH REGULATION DIVISION

**A Determination in the Matter of
David Charpentier
Licensed Body Art Technician 330070
Owner/Operator 6th Street Tattoo 430099**

Authority:

1. The Minnesota Department of Health (MDH) has authority to discipline body art technicians and establishment owner/operators for violations of law under Minnesota Statute, section 146B.08, subdivision 3.
2. 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.
3. 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.
4. Pursuant to Minnesota Statute, section 146B.08, subdivision 3(2), a technician may be disciplined on proof that he or she failed, within 30 days, to provide information in response to a written request by the commissioner.
5. Pursuant to Minnesota Statute, section 146B.08, subdivision 3(7), a technician may be disciplined for not cooperating with the commissioner in an investigation conducted according to subdivision 1.
6. Pursuant to Minnesota Statute, section 146B.08, subdivision 3(9), a technician may be disciplined for engaging in conduct likely to deceive, defraud, or harm the public.
7. Pursuant to Minnesota Statute, section 146B.08, subdivision 3(10), a technician may be disciplined for demonstrating a willful or careless disregard for the health, welfare, or safety of a client.
8. Pursuant to Minnesota Statute, section 13.41, disciplinary actions are public data.

Findings of Fact:

1. David Charpentier (hereinafter "Technician") was issued a Minnesota body art technician license, number 330070, on December 1, 2010. Technician has renewed the license biennially since the original issuance. Technician is also the owner/operator of Minnesota licensed body art establishment, 6th Street Tattoo (hereinafter "Establishment"), which holds license number 430099. Establishment obtained the first license on February 17, 2015, and has been renewed once since.
2. On January 25, 2018, MDH received information that Technician had been charged with a number of offenses in the course of his work as a body art technician at Establishment. Technician was charged with violating the following:

- a. Minnesota Statute 609.3451, subdivision 1(1)—Criminal sexual conduct in the fifth degree (gross misdemeanor)
 - b. Minnesota Statute 609.749, subdivision 2(6)—Stalking (dismissed)
 - c. Minnesota Statute 609.749, subdivision 2(6)—Stalking (dismissed)
 - d. Minnesota Statute 609.749, subdivision 2(6)—Stalking (dismissed)
 - e. Minnesota Statute 609.72, subdivision 1(3) Disorderly conduct (misdemeanor)
 - f. Minnesota Statute 617.23, subdivision 1(1)—Indecent exposure (misdemeanor)
3. On January 30, 2018, MDH sent a Notice of Investigation letter to Technician, with a response due on March 1, 2018. Technician did not respond to the request for information.
 4. On March 6, 2018, MDH sent a second Notice of Investigation to Technician. Technician has not responded to the request for information.
 5. On March 16, 2018, MDH received an email regarding additional charges that were filed against Technician. Technician was charged with violating the following:
 - a. Minnesota Statute 609.498, subdivision 1b(1)(a)—Aggravated first-degree witness tampering (felony)
 - b. Minnesota Statute 609.498, subdivision 1b(1)(a)—Aggravated first-degree witness tampering (felony)
 - c. Minnesota Statute 609.498, subdivision 1—Tampering with a witness in the first degree (felony)

Conclusion:

Technician violated Minnesota Statute 146B.08, subdivisions 2 and 7, when he failed cooperate with an investigation by failing to provide information in response to a written request by the commissioner. Further, Technician violated Minnesota Statute 146B.08, subdivisions 9 and 10, when he engaged in conduct likely to harm the public with careless disregard for the health of his clients.

Determination:

1. Technician’s Minnesota body art technician license is hereby suspended for a minimum period of one year. The suspension will commence at the effective date of this determination. After a period of not less than one year, Technician may request to have license reinstated. To do so, Technician must complete all conditions set forth in this Determination. Once all of the conditions are met, Technician may submit a written response for the suspension to be lifted to:

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

2. Prior to Technician’s request to have his suspension lifted, he will be required to undergo a forensic psychological sexual evaluation by a Minnesota licensed mental health professional within 12 months of his petition of reinstatement.
 - a. Technician must provide MDH consent to obtain the results of the assessment and any corresponding treatment plan, if necessary.
 - b. Technician is responsible for all costs incurred with assessment and subsequent treatment.
 - c. If a treatment plan is created, Technician must comply with the terms of the plan set forth between Technician and the mental health professional.
3. Technician must comply with and complete all court-ordered conditions prior to his petition for reinstatement.

4. Technician will comply with all requirements of Minnesota Statute, Chapter 146B.
5. Technician is assessed a civil penalty of \$4372 that deprives the licensee of any economic advantage gained by the violation and that reimburses MDH \$372 for costs of the investigation and proceedings resulting in disciplinary action.
 - a. Technician may pay the \$4372 civil penalty in monthly installments of up to 24 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. Within 30 days of receipt of this document, Technician must send this information to:

Health Occupations Program
PO Box 64882
Saint Paul, MN 55164-0882
 - b. 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.
 - c. The penalty may be referred to the Minnesota Department of Revenue, or any other source for collection, if Practitioner misses a monthly payment by 14 calendar days after the established deadline.