



Effective  
01/25/2018

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

January 8, 2018

Mr. Chad Donicht  
Mafia Ink



RE: MDH File Number: BAC17022

Dear Mr. Donicht:

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 provisions of Minnesota Statute 146B. Therefore, MDH is issuing you a conditional license, with a reprimand, and imposing a civil penalty in the amount of \$302. This is authorized pursuant to Minnesota Statute, section 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 "State of Minnesota, Treasurer." 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 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 Lloyd, Manager, Health Occupations Program  
Minnesota Department of Health  
PO Box 64882  
Saint Paul, MN 55164-0884

You may also fax your request to Catherine 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 cursive script, appearing to read "S. Winkelmann".

Susan Winkelmann, Assistant Division Director  
Division of Health Regulation

Enclosure

cc: Catherine Lloyd, Manager of Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Chad Allan Donicht  
Body Art Technician**

**AUTHORITY**

1. Pursuant to Minnesota Statute, section 146B.02, subdivision 1, effective January 1, 2011, no person may maintain, own, or operate a body art establishment without an establishment license issued by the Minnesota Department of Health (MDH).
2. Pursuant to Minnesota Statute, section 146B.02, subdivision 4, no person may perform a body art procedure at any location other than at a licensed body art establishment.
3. Pursuant to Minnesota Statute, section 146B.03, section 1 (a), effective January 1, 2011, no individual may tattoo unless the individual holds a valid technician license issued by MDH.
4. Pursuant to Minnesota Statute, section 146B.07, subdivision 2 (b), no technician shall tattoo any individual under the age of 18 regardless of parental or guardian consent.
5. Pursuant to Minnesota Statute, section 146B.08, subdivision 3 (3), a violation of any provision in the body art Statute is grounds for disciplinary action.
6. Pursuant to Minnesota Statute, section 146B.08, subdivision 3 (6), MDH may take disciplinary action on a technician who has been disciplined by another jurisdiction, if any of the grounds for the discipline are the same or substantially equivalent to those under this chapter.
7. Pursuant to Minnesota Statute, section 146B.08, subdivision 3 (10), MDH may take disciplinary action on a technician who demonstrated a willful or careless disregard for the health, welfare, or safety of a client.
8. Pursuant to Minnesota Statute, section 146B.08, subdivision 4, MDH has authority to discipline body art technicians for violations of law under Minnesota Statute, section 146B.08, subdivision 3. The types of discipline MDH may impose include refusal to grant a license or any reasonable lesser action.
9. 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 that reimburses MDH for costs of the investigation.
10. Pursuant to Minnesota Statute, section 13.41, disciplinary actions are public data.

## **FINDINGS OF FACT**

1. On June 27, 2013, Technician was charged with four counts of providing a tattoo to a minor under Minnesota Statute 609.2246.3 in Dakota County District Court. Technician was also charged with possession of a small amount of marijuana and possession of drug paraphernalia, both misdemeanors. Technician pleaded not guilty to all charges on August 1, 2013.
2. On August 4, 2013, Technician entered an amended plea of guilty to two of the tattooing a minor offenses as well as the possession of marijuana charge. Two counts of tattooing a minor and the drug paraphernalia charges were dismissed.
3. On December 30, 2016, MDH received a temporary body art technician license application from Technician. Technician acknowledged the offense in his application. On January 12, 2017, MDH sent Technician a Notice of Investigation letter inquiring why he provided tattoos without a license to a minor. MDH requested a written response from Technician no later than February 13, 2017.
4. On February 3, 2017, Technician responded that he was unaware of the law regarding tattooing at that time. Technician also acknowledged providing tattoos in an unlicensed establishment and not ensuring the minor was of legal age to be tattooed. On March 22, 2017, Technician was issued a temporary body art technician license.

## **CONCLUSION**

1. Technician did not comply with the requirements under Minnesota Statute, section 146B.08, subdivision 3 (3), as he operated and performed tattoos in a location without a body art establishment license, in violation of Minnesota Statute, section 146B.02, subdivision 1 and subdivision 4.
2. Technician did not comply with the requirements under Minnesota Statute, section 146B.08, subdivision 3 (3), as he tattooed before the issuance of his temporary body art technician license on March 22, 2017, 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), as he tattooed minors, in violation of Minnesota Statute, section 146B.07, subdivision 2 (b).
4. Technician did not comply with the requirements under Minnesota Statute, section 146B.08, subdivision 3 (3), because he provided body art services in an unlicensed establishment, in violation of Minnesota Statutes, section 146B.02, subdivision 1.
5. Technician did not comply with the requirements under Minnesota Statute, section 146B.08, subdivision 3 (6), as he was convicted of two counts of tattooing minors.
6. Technician did not comply with the requirements under Minnesota Statute, section 146B.08, subdivision 3 (10), as he demonstrated a willful or careless disregard for the health, welfare, or safety of a client when he tattooed minors.

## **DETERMINATION**

1. Technician will be issued a conditional body art technician license, with the following conditions:
2. Technician will comply with all requirements of Minnesota Statute, Chapter 146B;
  - a. The license will be conditional for a period of not less than three years; commence at the effective date of this determination; and will remain in effect even if Technician obtains a full body art technician license.
  - b. MDH will not approve Technician as a supervisor during the period of conditional licensure.
    - i. After a period of not less than three years, Technician may request the removal of conditional status from his license. To do so, Technician must submit a written response for removal of the condition to:

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

3. Technician is hereby reprimanded and assessed a civil penalty of \$302, which reimburses MDH for costs of the investigation.
  - a. Technician may pay the \$302 civil penalty in monthly installments of up to 3 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. Technician must send this information to: Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882, within 30 days of receipt of this document.
  - b. Each payment will be made by check to "State of Minnesota, Treasure," 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.