

Effective 11/22/11



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

October 17, 2011

James Gerard Hansen, Shane Joseph Post, and Rick L. Wittwer  
Wingnut Tattoo, Saint Cloud

RE: MDH File Number: BAC12034

Dear Mr. Hansen, Mr. Post, and Mr. Wittwer:

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, as owners of Wingnut Tattoo, Saint Cloud, you failed to apply for and display a temporary event permit for the 2011 Halfway Jam, in violation of Minnesota Statutes, section 146B.02, subdivision 8. Therefore, the Department is issuing this reprimand and assessing a civil penalty in the amount of \$172. This action is authorized pursuant to Minnesota Statutes, sections 214.10, and 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 your 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 Statutes, Chapter 14. Requests for a hearing should also be made in writing and 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:

Tom Hiendlmayr, 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 Mr. Hiendlmayr at (651)201-3839. If you have any questions about this matter, please contact Kyle Renell at (651)201-3727.

Sincerely,

A handwritten signature in cursive script that reads "Darcy Miner".

Darcy Miner, Director  
Compliance Monitoring Division

Enclosure

cc: Tom Hiendlmayr, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Wingnut Tattoo, Saint Cloud  
Body Art Establishment**

**AUTHORITY**

1. The Minnesota Department of Health (MDH) has authority to discipline owners of body art establishments for violations of law under Minnesota Statutes, section 214.131, subdivision 2, and Minnesota Statutes, section 146B.08, subdivision 3. The types of discipline MDH may impose include imposition of a civil penalty not to exceed \$10,000 for each violation that deprives the licensee of any economic advantage gained by the violation and that reimburses the department for costs of the investigation.
2. Pursuant to Minnesota Statutes, section 146B.02, subdivision 8, an owner or operator of a temporary body art establishment shall apply for a temporary event permit prior to the event and prominently display the permit in a public area at the location during the event.

**FINDINGS OF FACT**

1. Wingnut Tattoo, Saint Cloud (Hereinafter "Establishment"), was issued a provisional body art establishment license on December 21, 2010. The owners of record are James Hansen, Shane Post, and Rick Wittwer.
2. On August 23, 2011, a complaint was received which alleged Wingnut Tattoo Technicians had participated in Halfway Jam 2011 during July. There was no record of an application for a temporary event permit associated with that event.
3. In a statement received on September 19, 2011, the owners and operators admitted to Establishment participation in the event without a temporary event permit.

**CONCLUSION**

1. Establishment failed to apply for and display the required temporary event permit, in violation of Minnesota Statutes, section 146B.02, subdivision 8.

**DETERMINATION**

1. Establishment is hereby reprimanded and assessed a civil penalty in the amount of \$172, representing the cost of the temporary event permit and investigative costs.