



*Protecting, Maintaining and Improving the Health of All Minnesotans*

January 25, 2019

Cesar Paul Sanchez Arteaga  
Kingdom Ink Studio  
303 21<sup>st</sup> St., #116  
Newport, MN 55055

SUBJECT: MDH File Number BAC19072

Dear Mr. Arteaga:

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health ("MDH" or "the Department") finds that you violated the provisions of Minnesota Statutes, Chapter 146B.

You are being assessed a disciplinary civil penalty of \$1,000 in accordance with Minnesota Statutes, Section 146B.08, in addition to a licensure fee of \$350 and other requirements as detailed in the enclosed Determination.

This decision will be made final and effective 30 days from the date it is received by you. 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. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. To request a hearing, please send a written request, within 30 days of your receipt of this letter, to:

Catherine Dittberner Lloyd, Manager  
Health Occupations Program  
Minnesota Department of Health  
P.O. Box 64882  
Saint Paul, MN 55164-0882

You may also deliver your request to 85 E. 7th Pl, Suite 220, Saint Paul, MN 55101; or fax it to Ms. Lloyd at (651) 201-3839. If you have any questions about this matter, please contact Patricia Jo Forsberg at (651) 201-3721.

Sincerely,

Cesar Paul Sanchez Arteaga

January 25, 2019

Page 2



Susan Winkelmann

Assistant Division Director

Health Regulation Division

Minnesota Department of Health

P.O. Box 64882

Saint Paul, MN 55164-0882

Enclosure

cc: Catherine Dittberner Lloyd, Manager, Health Occupations Program

**A Determination in the Matter of  
Cesar Paul Sanchez Arteaga  
Body Art Technician 311268**

**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 Statute, 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, impose 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 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.05, subdivision 1(2), states that lack of potable, plumbed, or hot or cold water to the extent that the handwashing facilities are not operational is grounds for emergency closure of a body art establishment.
8. Minnesota Statutes, section 146B.06, subdivision 1(e), states the body art establishment must have an accessible hand sink equipped with liquid hand soap, single-use paper towels or a mechanical hand drier or blower, and a nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removable liner.
9. 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.

10. Minnesota Statutes, section 146B.08, subdivision 3(9), the commissioner may take disciplinary actions on proof that a technician or operator of an establishment has engaged in conduct likely to deceive, defraud, or harm the public.
11. Minnesota Statutes, section 146B.08, subdivision 3(10), the commissioner may take disciplinary actions on proof that a technician or operator of an establishment has demonstrated a willful or careless disregard for the health, welfare, or safety of a client.

**Findings of Fact:**

1. Cesar Paul Sanchez Arteaga (Technician) is a licensed body art technician in the State of Minnesota. He obtained his full licensure, 311268, on May 5, 2015. Technician is the owner of Kingdom Ink Studio (Establishment) located in Newport, Minnesota.
2. On January 24, 2018, Technician obtained a provisional license for Kingdom Ink Studio located at 303 21<sup>st</sup> Street, Suite 209, Newport, Minnesota.
3. On January 23, 2019, MDH conducted an inspection of Establishment. However, the Establishment at Suite 209 had been relocated to Suite 116 at the same address.
  - a. Technician did inform MDH that he was relocating to Suite 116. 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. Technician's Facebook page advertises the studio location as 303 21<sup>st</sup> Street, Suite 116, Newport, Minnesota. Multiple posts show that Technician provided body art procedures at this unlicensed location.
  - c. During the inspection at Suite 116, the MDH inspector noted that the unlicensed establishment did not have plumbed water within the facility. The unlicensed location did not have unobstructed access to a handwashing sink. The only sink available was located down a hall in a restroom. The restroom was available to all tenants of the building. Further, the restroom was not accessible when in use because it was locked and unavailable for use for handwashing.
4. At the conclusion of the inspection, Technician voluntarily agreed to close his establishment until he obtained a body art establishment license for Suite 116 and installed a sink in the procedure area, compliant with the statutory requirements.
5. On January 23, 2019, a post on the Kingdom Ink Studio Facebook site stated that the unlicensed location would be closed for one-two weeks for sink installation.

**Conclusion:**

Technician violated multiple sections of Minnesota Statutes, Chapter 146B, when he conducted body art procedures in an unlicensed location. Further, his doing so at a location without potable, plumbed water or a freely accessible handwashing sink represented a risk to public health.

**Determination:**

MDH is imposing a civil penalty and conditioning Technician's body art technician license:

1. Technician must pay a civil penalty of \$1000, 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. Technician's body art technician license is conditioned in the following manner effective the date of this Determination.
  - a. If Technician would like to reopen his currently unlicensed establishment, he must submit an application for that location at the statutorily required rate of \$350.
  - b. Reopening of the Establishment is conditioned on passing an MDH inspection of the studio to ensure statutory compliance.

