



Minnesota
Department
of Health

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

March 8, 2018

Ms. Celena Khorn
[REDACTED]
[REDACTED]

RE: MDH File Number: BAC18033

Dear Ms. Khorn:

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health (MDH) has determined you failed to comply with a number of statutory requirements set forth by Minnesota Statute, section 146B. Therefore, MDH is suspending your license to practice body art and imposing a civil penalty for \$223. This action is authorized pursuant to Minnesota Statute, section 146B.08, subdivision 8(4).

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

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Winkelmann".

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
Celena Shanny Khorn
Licesned Body Art Technician 311251**

Authority:

1. The Minnesota Department of Health (MDH) has authority to discipline body art technicians for violations of law under Minnesota Statute, section 146B.08, subdivision 3.
1. 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.
2. 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.
3. 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.
4. Pursuant to Minnesota Statute, section 146B.08, subdivision 3(5), a technician may be disciplined on proof that he or she aided or abetted another person in violating any provision of this chapter.
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 13.41, disciplinary actions are public data.

Findings of Fact:

1. Celena Shanny Khorn (hereinafter "Technician") was issued Minnesota Body Art Technician-Tattoo license 311251 on March 26, 2014. Technician obtained her full license on February 3, 2015 and has renewed semi-annually since. Technician was supervised by Jeffrey Noah Schmidt (hereinafter "Operator") of Schmitt's Tattoos. Technician currently works as a body art technician at Schmitt's Tattoo LLC.
2. On March 10, 2017, Technician was working at Schmitt's Tattoo, located at 1977 Whitaker Street, White Bear Lake, MN 55110.
3. On May 10, 2017, MDH received a complaint involving the Operator of Schmitt's Tattoos. The complaint alleges Technician was aware of Operator's violations. Complaint further alleges Technician attempted to help the complainant at the location and after via text messages.
4. On October 25, 2017, MDH sent Technician a letter regarding what she witnessed on March 10, 2017. MDH did not receive a response.

5. On December 4, 2017, MDH sent Technician a second letter regarding what she witnessed. This letter included photographs of the tattoo in question. MDH did not receive a response.

Conclusion:

Technician violated Minnesota Statute, section 146B.08, subdivisions 3(2) and 3(7) when she did not respond to a written request for information regarding an investigation being conducted by MDH. Further, she violated section 146B.08, subdivision 3(5), when she allowed Operator to tattoo while he was unable to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment.

Determination:

1. Technician's Minnesota body art technician license is hereby suspended. The suspension of Technician's license will be lifted upon MDH's receipt of Technician's response regarding the May 10, 2017 complaint. The suspension will commence at the effective date of this determination. After Technician has responded to MDH's request for information, Technician may request to have license reinstated. To do so, Technician must 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

Technician is assessed a civil penalty in the amount of \$223, which reimburses MDH for costs of the investigation and proceedings resulted in disciplinary action.

- a. Technician may pay the \$223 civil penalty in monthly installments of up to two (2) 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



Protecting, maintaining and improving the health of all Minnesotans

April 5, 2018

Ms. Celena Khorn
[REDACTED]
[REDACTED]
[REDACTED]

MDH File Number: BAC18033

Dear Ms. Khorn:

On March 9, 2018, you received a Determination from the Minnesota Department of Health (MDH) regarding your role in an investigation MDH was conducting regarding your former employer. The terms of the Determination included a suspension of your body art technician license until you cooperated with our investigation and a civil penalty of \$223. The purpose of this letter is to notify you have met the conditions to reinstate your license. On March 9, 2018, you sent an email to MDH regarding the investigation in question. On March 13, 2018, you provided MDH with the answers to the questions that were asked in the original investigatory letters.

Even though MDH has reinstated your license, the Determination is still in effect. The final condition of the Determinations is a civil penalty in the amount of \$223, which reimburses MDH for costs of the investigation and proceedings resulted in disciplinary action. You can pay the amount in monthly installments of up to two payments (\$111.50 per payment), monthly, after the effective date of this action, which is **May 9, 2018**, or pay the amount in full. If you choose to make installments, please notify MDH in writing about your intentions. Please send this information to patricia.io.forsberg@state.mn.us or Health Occupations Program, PO Box 64882, St. Paul, MN 55164-0882, By April 13, 2018. When you pay, please write the check to "State of Minnesota Treasure," and mail it to the aforementioned address. Your payments are due by the last day of each month; however, you may prepay at any time. If you do not pay the assessed penalty, MDH will refer it to the Minnesota Department of Revenue or any other source of collection, if you miss a monthly payment by 14 calendar days after the established deadline.

Thank you for your cooperation in this matter. If you have any questions, you can contact me at (651) 201-3721 or patricia.io.forsberg@state.mn.us.

Sincerely,

A handwritten signature in black ink, appearing to be "Patricia Forsberg", with a long, wavy horizontal line extending to the right.

Patricia Forsberg, Investigator
Health Occupations Program
PO Box 64882
St. Paul, MN 55164-0882
www.health.state.mn.us