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March 4, 2016

Via: Email

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Re: Tatoo Studio
File: TRAD002

Dear Tim and Mark:

In supplement to the letter of February 6, 2016, let me bring to your attention some additional matters.

By way of information, tattoos have gained acceptance as of this past decade. Life magazine estimated in 1936 that approximately 6% of the population had at least one tattoo. Harris Polls, done in 2003, 2008 and 2012, now show at an estimated 16% (2003), 14% (2008) and 21% (2012) of Americans having at least one tattoo. Another survey through Pew Research Center indicates that 36% of those within the ages 18 to 25, and 40% of those within the ages of 26 to 40 have at least one tattoo.

The decision in *Buehrle v. City of Key West*, No. 14-15354, 2015 U.S. App. LEXIS 22782 (11th Cir. Dec 29, 2015) does not stand alone. In the case of *Anderson v. City of Hermosa Beach*, No. 08-56914, 621 F.3d 1051 (9th Cir. Sept 9, 2010), the court struck down a local municipal ordinance banning tattoo parlors. The court concluded: "In sum, we hold that the tattoo itself, the process of tattooing, and the business of tattooing are forms of pure expression fully protected by the First Amendment." This case was followed by the Arizona Supreme Court in

the case of *Coleman v. City of Mesa*, 284 P.3d 863 (2012). Hence, this is a widely adopted proposition.

There is no reason to marginalize this activity. Given the tolerance the City has shown for “permanent make-up,” a distinction for this protected activity is not warranted. We look forward to hearing on March 21, 2016 and thank you for your consideration of these matters.

Very truly yours



Michael S. Weiner
MSW:mf