



Effective June 27, 2014

Protecting, maintaining and improving the health of all Minnesotans

May 21, 2014

Jeremy Anderson

RE: MDH File Number: BAC13067

Dear Mr. Anderson:

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 you provided body art services without a license, in violation of Minnesota Statutes, section 146B.08, subdivision 3(3), and Minnesota Statutes, section 146B.03, subdivision 1. Therefore, the Department is issuing you a reprimand and a civil penalty in the amount of \$852. This action is authorized pursuant to Minnesota Statutes, 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 "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 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 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:

Gil Acevedo, 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 Anne Kukowski at (651)201-3839. If you have any questions about this matter, please contact Chee Lee at (651)201-3728.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy Miner", is written over a horizontal line.

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Anne Kukowski, Assistant Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Jeremy M. Anderson
Body Art Technician**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline body art technicians for violations of law under Minnesota Statutes, section 214.131, subdivision 2; and Minnesota Statutes, section 146B.08, subdivision 3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 4, the types of discipline MDH may impose include refusal to grant a license or any reasonable lesser action.
2. Pursuant to Minnesota Statutes, 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.
3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(3), a violation of any provision in the body art statute is a ground for disciplinary action.
4. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.

FINDINGS OF FACT

1. Jeremy M. Anderson (Hereinafter "Technician"), was issued a temporary body art technician-tattoo license, effective August 29, 2011. Technician's temporary body art technician-tattoo license expired on August 29, 2012.
2. On October 3, 2013, MDH received a complaint that Technician had been providing tattoo services at Ink Spot Tattoos in Carlton, MN for the past year with an expired license.
3. A Notice of Illegal Practice letter was sent to Technician on October 17, 2013. MDH requested a written response from technician no later than November 18, 2013.

4. On October 25, 2013, MDH received a temporary body art technician license renewal application from Technician. Technician's temporary body art license was renewed and issued on November 6, 2013 with an expired date of November 6, 2014.
5. On October 30, 2013 at approximately 10 am, MDH staff received a phone call from Technician. Technician acknowledged performing tattoo services at Ink Spot in Carlton, MN with an expired license and stated, "I messed up and truly apologize and couldn't help it". Technician also stated he found a new supervisor who was willing to work with him and doing things "the right way".
6. Technician stated he would not be able to get copies of the informed consent forms as requested by MDH because the establishment closed. MDH staff advised Technician a written response was still required and Technician stated he would submit one.
7. MDH never received a response from Technician. A second Notice of Illegal practice was sent to Technician on December 31, 2013. MDH requested a written response from Technician no later than January 31, 2014.
8. On January 16, 2014, MDH received a letter from Technician. Technician admitted to performing tattoos with no license.
9. On February 10, 2014, MDH received an email from Technician. The email stated, "I admit to tattooing all of the months that I was unlicensed and I apologize for my mistake I hope you take my situation into consideration."

CONCLUSION

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.03, subdivision 1, because he continued to practice body art after the expiration of his temporary license on August 29, 2012 and before issuance of his renewed temporary license on November 6, 2013.

DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$852 which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Technician may pay the \$852 civil penalty in monthly installments of up to 8 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.

- Each payment will be made by check to "State of Minnesota, Treasurer," 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.
- The penalty may be referred to the Minnesota Collection Enterprise (MCE), a part of 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. When this Order for a penalty becomes public and MDH refers the matter to MCE, MCE is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Technician without further notice or proceedings.