



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

December 20, 2018

Impulse Tattoo & Piercing  
Andy Seitzer  
302 S. Minnesota Avenue  
St. Peter, MN 56082

RE: MDH File Number BAC19047

Dear Andy Seitzer,

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health (MDH) has determined that you violated multiple sections of Minnesota Statute 146B. Therefore, the department is issuing you a reprimand and imposing a civil penalty of \$2,230. In addition, the establishment license for Impulse Tattoo & Piercing has conditions imposed for a two year period from the date of this determination. MDH has the authority for this action pursuant to Minnesota Statute, section 146B.08, subsections 4(4) and 4(5).

This decision is final and effective 30 days from the date you receive it. 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. You shall request for a hearing in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send a written hearing request, within 30 days of your receipt of this letter, to:

Catherine Dittberner Lloyd, Manager  
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 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  
Impulse Tattoo and Piercing  
Minnesota Body Art Establishment 430095**

**Authority:**

1. The Minnesota Department of Health (MDH) has the authority to discipline a body art operator of an establishment for violations of law under Minnesota Statutes, section 146B.08, subdivision 3.
2. Pursuant to Minnesota Statutes, section 146B.08, subdivision 4, the types of discipline MDH may impose includes refusal to grant a license, suspension or revocation of a license, impose a civil penalty, or any reasonable lesser action.
3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(3), the commissioner may take disciplinary action on proof that technician violated any provision Chapter 146B.
4. Pursuant to Minnesota Statutes, section 146B.06, subdivision 2(h), at least once a month, but not to exceed 30 days between tests, a spore test must be conducted on each sterilizer used to ensure proper functioning.
5. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(10), the commissioner may take disciplinary action on proof that an operator of an establishment has demonstrated a willful or careless disregard for the health, welfare, or safety of a client.

**Findings of Fact:**

1. Impulse Tattoo & Piercing (License #430095) is located at 302 South Minnesota Avenue, Saint Peter, Minnesota. The establishment obtained its initial license on January 5, 2011. The license has been renewed twice, with a current expiration date of September 30, 2019.
2. The operator of the establishment is Andrew John Seitzer. He holds dual body art technician license 330268.
3. On October 19, 2018, MDH conducted an inspection at Impulse Tattoo & Piercing. During the inspection, the following violations were observed:
  - a. The current establishment license was not displayed prominently;
  - b. The current technician licenses were not displayed prominently;
  - c. The floor had cracks, rendering it porous;

- d. The consent and disclosure form, and the aftercare instructions did not contain all of the required information, including:
      - i. A statement informing the client that the technician shall not perform a body art procedure if the client fails to complete and sign the disclosure and authorization form;
      - ii. The technician may decline to form a body art procedure if the client has any identified health condition;
    - e. The owner was unable to produce the results of spore testing for the sterilizer used at the facility.
  4. On October 22, 2018, a notice of investigation letter was sent to Andrew Seitzer, Impulse Tattoo & Piercing, and operator.
  5. MDH received Seitzer's response on November 13, 2018. In that response, he admits that Impulse Tattoo & Piercing continued to use the sterilizer even though they were not conducting the monthly spore tests. Seitzer acknowledged having no excuse for not conducting monthly spore tests.
  6. Seitzer provided five passing spore test results obtained during the period of July 20, 2016 through February 27, 2017. Seitzer also provided a passing test from November 1, 2018, which was required as a part of the inspection compliance report.

### **Conclusion:**

Seitzer violated multiple sections of Minnesota Statutes, Chapter 146B, when he knowingly and purposefully used a sterilizer that was not spore tested. This violation shows a willful disregard for client safety who received piercing services at Impulse Tattoo & Piercing.

### **Determination:**

MDH reprimands Seitzer; imposes a civil penalty of \$2,230; and is applies conditions to the establishment license for Impulse Tattoo & Piercing for a period of two years.

1. A civil penalty of \$2,230 is imposed, which deprives Seitzer of the economic advantage gained by the violation and reimburses MDH \$230 for the costs of the investigation.
  - a. Seitzer may pay the \$2,230 civil penalty in up to twelve monthly installments. If he chooses to make installments, he must notify MDH in writing about his intentions. He must include how many installments he intends to make, in what amount, and over what period, within 30 days of the effective date of this Determination. The information and payment must be sent to:

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Saint Paul, MN 55164-0882

- b. Each payment is due by the last day of each month; however, MDH will accept a full payment of the remaining civil penalty at any time prior to the due date. MDH will 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. Impulse Tattoo & Piercing's Minnesota Body Art Establishment license is conditioned in the following manner for a period of two years from the effective date of this Determination.
  - a. Within three months of the effective date of this Determination, Impulse Tattoo & Piercing must provide MDH a plan of action on how the establishment will maintain a testing schedule. This plan must include the individual(s) responsible for testing, course of action if a positive test occurs, and the date(s) on which the tests will take place.
  - b. Monthly spore test results will be directly emailed to MDH at [Health.ba@state.mn.us](mailto:Health.ba@state.mn.us) with a subject line that reads "I&E Impulse Tattoo Spore Results." The result needs to be emailed by the last day of the month the test was conducted.
3. Upon completion of the conditions in paragraphs one and two of this Determination, Seitzer may petition MDH in writing for an unconditional license. Seitzer must send the request to:

Health Occupations Program, Investigation and Enforcement Unit  
PO Box 64882  
Saint Paul, MN 55164-0882