



Effective 3-26-15

February 20, 2015

Protecting, maintaining and improving the health of all Minnesotans

Andy Vidovic

RE: MDH File Number: BAC15034

Dear Mr. Vidovic:

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 aided or abetted technician in providing body art services without a license in your establishment, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (5), and Minnesota Statutes, section 146B.03, subdivision 1 (a). MDH has also determined that, as the operator of a body art establishment, you failed to maintain proper records for each body art procedure, in violation of Minnesota Statutes, section 146B.08 subdivision 3 (3) and Minnesota Statutes, section 146B.07 subdivision 4. Therefore, the Department is issuing you a reprimand and imposing a civil penalty in the amount of \$1487. 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:

Gilbert 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 Gilbert Acevedo 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 cursive script, appearing to read "Darcy Miner".

Darcy Miner, Director
Health Regulation Division

Enclosure

cc: Gilbert Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Inkwell Tattoo
Hibbing, MN
Body Art Establishment**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline a body art operator for violations of law under 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 a civil penalty, for each violation, not exceeding \$10,000 that deprives the operator of any economic advantage gained by the violation and reimburses MDH for costs of the investigation.
3. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.
4. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(5), MDH may take disciplinary actions on an operator of an establishment who has aided or abetted another person in violating any provision of this chapter.
5. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1, effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.
6. Pursuant to Minnesota Statutes, section 146B.08 subdivision 3(3), MDH may take any of the disciplinary actions on an operator of an establishment who has violated any provision of this chapter.
7. Pursuant to Minnesota Statutes, section 146B.07 subdivision 4, for each client, the body art establishment operator shall maintain proper records of each procedure. The records of the procedure must be kept for three years and must be available for inspection by MDH upon request.

FINDINGS OF FACT

1. Inkwell Tattoo (hereinafter "Establishment") located at Minnesota is licensed as a body art establishment, under license number 430129,

effective March 30, 2011. Andy Vidovic is the owner (hereinafter "Operator") of the Establishment.

2.) was issued a temporary body art technician license on July 30, 2012. The temporary license expired on July 30, 2013.
3. Technician worked at Establishment from July 2012 to mid-November 2013.
4. MDH received a full body art technician license application from Technician on September 20, 2013. Technician was issued a full license on November 4, 2013.
5. Technician's application was referred to Investigation & Enforcement for possible unlicensed body art practice from July 31, 2013 to November 3, 2013.
6. On November 12, 2013, MDH received a phone call from a complainant who stated Technician had tattooed her 14 year old daughter's hand at the Establishment on October 31, 2013. Complainant was advised to fill a complaint form.
7. On November 14, 2013, MDH received a signed complaint that Technician had tattooed a 14 year old at the Establishment on October 31, 2013.
8. On November 22, 2013, an MDH representative made a visit to Hibbing, Minnesota and made contact with Operator. Operator stated he has been ill and the illness has caused him to travel frequently to Rochester Mayo Clinic for treatment. Operator stated he has not been able to oversee the daily operations of the Establishment. Therefore, he gave Technician the keys to the Establishment and Technician was allowed to operate the shop while Operator was away.
9. Operator stated Technician was providing tattoos at the Establishment during the months of July 2013 to November 2013. When asked for Technician's informed consent forms during that time period, Operator stated Technician had taken them with him when he resigned from the Establishment.
10. On January 14, 2014, MDH sent a letter with questions to Operator. On February 3, 2014, MDH received a letter of response from Operator. In the letter, Operator stated he did observe Technician provide tattoos at the Establishment during the months in which Technician's temporary license had expired.
11. On January 14, 2014, MDH sent a letter with questions to On February 3, 2014, MDH received a letter of response from In the letter, stated she did observe Technician provide tattoos at the Establishment during the months in which Technician's temporary license had expired.
12. In the letter of response, also stated Technician tattooed her fingers on October 31, 2013 and that it occurred at the Establishment.

CONCLUSION

1. Operator failed to comply with the requirements under Minnesota Statutes, section 146B.08 subdivision 3 (5), as he allowed Technician to provide body art services in his Establishment with an expired temporary license, in violation of Minnesota Statutes, section 146B.03, subdivisions 1 (a).
2. Operator failed to comply with the requirements under Minnesota Statutes, section 146.08 subdivision 3 (3), as he failed to maintain records of all body art procedures that occurred at the Establishment for the past three years, in violation of Minnesota statutes, section 146B.07 subdivision 4. When asked for Technician's informed consent forms, Operator could not produce them.

DETERMINATION

1. Operator is hereby reprimanded and assessed a civil penalty in the amount of \$1487, which deprives Operator of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Operator may pay the \$1487 civil penalty in monthly installments of up to 12 months after the effective date of this action. If Operator 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. Operator 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 Department of Revenue (MDR), or any other source for collection, if Operator 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 MDR, MDR is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Technician without further notice or proceedings.