



Effective March 4, 2014

*Protecting, maintaining and improving the health of all Minnesotans*

January 30, 2014

Mr. Chad Iverson

RE: MDH File Number: BAC13074

Dear Mr. Iverson:

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 while under a temporary license but without any proper supervision, in violation of Minnesota Statutes, section 146B.08, subdivision 3(3), section 146B.03, subdivision 1 (a), and section 146B.03 subdivision 7. Therefore, the Department is issuing you a reprimand and imposing a civil penalty in the amount of \$652. This action is authorized pursuant to Minnesota Statutes, sections 214.10, and 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:

Anne Kukowski, Acting 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 the word "Sincerely,".

Darcy Miner, Director  
Compliance Monitoring Division

Enclosure

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

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Chad E. Iverson  
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 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 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, subdivisions 1, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.
5. Pursuant to Minnesota Statutes, section 146B.03, subdivision 7, a temporary license may be issued if a licensed technician agrees to supervise the applicant.
6. Pursuant to Minnesota Statutes, section 146B.01, subdivision 28, "supervision" means the physical presence of a technician licensed under this chapter while a body art is being performed.

**FINDINGS OF FACT**

1. Chad Eugene Iverson (Hereinafter "Technician"), was issued a temporary body art technician-tattoo license, effective October 10, 2012. The temporary Technician's license expired on October 10, 2013.
2. In the temporary body art technician license application, Technician listed Robert Cremeans as his supervisor. Robert Cremeans listed High Noon in Northfield, MN as his work place.

3. On October 12, 2012, a body art establishment license was issued to Ivy's Ink. Ivy's Ink is owned by the Technician. Technician is listed as the only employee at Ivy's Ink. The establishment license expires September 30, 2015.
4. On September 20, 2013, MDH Investigations and Enforcement (I&E) staff received information that Technician was providing body art services without a supervisor present.
5. By letter dated October 24, 2013, a Notice of Illegal Practice was sent to Technician's business address. The letter requested a response from Technician by November 25, 2013. To this date, MDH has not received a response from Technician.
6. On November 1, 2013, MDH staff inspected Ivy's Ink. During the inspection, Technician admitted to performing tattoo procedures without a supervisor present between July 2013 and September 2013. All Informed Consent forms were collected. Forms collected included forms from 2013, as well as one from March 24, 2011 and another from January 22, 2012.
7. Based on Informed Consent forms collected, Technician performed a tattoo procedure on March 24, 2011 and January 22, 2012 without a license. Technician also performed 38 tattoo procedures during July 2013, 30 tattoo procedures during August 2013, and 16 tattoo procedures during September 2013 without a supervisor present.

### **CONCLUSION**

1. Technician failed to comply with the requirements under Minnesota Statutes, section 146B.03, subdivisions 1, and section 146B.03, subdivision 7. A temporary license was issued to the Technician; however, a temporary license is only deemed valid if the tattoo procedure is performed in the presence of and under the supervision of a licensed technician. Technician provided tattoo services between July 2013 and August 2013 outside the physical presence of his supervisor of record. Technician also provided tattoo services on March 24, 2011 and January 22, 2012 outside his supervisor's presence.

### **DETERMINATION**

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$652, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.