



Minnesota  
Department  
of Health

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

April 13, 2017

Terrence Ivory

RE: MDH File Number BAC14017

Dear Terrence Ivory,

The Minnesota Department of Health (MDH) has received your email regarding Disciplinary Determination, which became effective November 17, 2014. In your email, you requested an unconditional body art technician license. This letter confirms you have met the conditions of the November 17, 2014 Determination. Therefore, the condition on your body art technician license is hereby removed.

Thank you for your cooperation in this matter. If you have any questions, I may be reached at (651) 201-3728.

Sincerely,

A handwritten signature in black ink, appearing to read "Chee Lee", with a long horizontal flourish extending to the right.

Chee Lee  
Health Care Program Investigator  
Health Occupations Program  
Health Regulation Division  
PO Box 64882  
Saint Paul, MN 55164-0882



Effective November 17, 2014

October 10, 2014

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

Terrence Ivory

RE: MDH File Number: BAC14017

Dear Mr. Ivory:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) have determined that you: [1] provided body art services to a minor, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (3), and Minnesota Statutes, section 146B.07, subdivision 2 (b); [2] failed to obtain from the client a signed and dated informed consent form, in violation of Minnesota Statutes, section 146B.08, subdivision 3(3), and Minnesota Statutes, section 146B.07 subdivision 3; [3] provided body art services without establishing proof of age, in violation of Minnesota Statutes, section 146B.08, subdivisions 3 (3) and Minnesota Statutes, section 146B.07 subdivision 1. Therefore, MDH is issuing you a reprimand, imposing a civil penalty in the amount of \$167, and issuing you a conditional technician license. 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)201-3727. If you have any questions about this matter, please contact Chee Lee at (651)201-3728.

Sincerely,

  
Darcy Miner, Director  
Compliance Monitoring Division

Enclosure

cc: Gilbert Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Terrence Ivory  
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 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 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.07, subdivision 1(a), a technician shall require proof of age before performing any body art procedure on a client. Proof of age must be established by one of the following: [1] valid driver's license or identification card issued by state of Minnesota or another state that includes a photograph and date of birth; [2] valid military identification card issued by United States Department of Defense; [3] valid passport; [4] resident alien card; [5] tribal identification card.
5. Pursuant to Minnesota Statutes, section 146B.07, subdivision 2 (b), no technician shall tattoo any individual under the age of 18 regardless of parental or guardian consent.
6. Pursuant to Minnesota Statutes, section 146B.07, subdivision 3, before performing a body art procedure, the technician shall obtain from the client a signed and dated informed consent form. The consent form must disclose that a tattoo is considered permanent and may only be removed with a surgical procedure and that any effective removal may leave scarring.

**FINDINGS OF FACT**

1. Terrence Ivory (hereinafter "Technician") was issued a full body art technician license on May 24, 2013.

2. Technician worked at \_\_\_\_\_ (hereinafter '\_\_\_\_\_) from January 2013 to December 2013.
3. On December 9, 2013, MDH received an email from an employee of the Establishment, \_\_\_\_\_ (hereinafter '\_\_\_\_\_'). The email advised MDH that Technician had recently tattooed a minor inside the Establishment and was therefore terminated on site.
4. On March 26, 2014, A Notice of Illegal Practice letter was sent to Technician. MDH requested a response from Technician no later than April 28, 2014. On April 9, 2014, the letter was returned to MDH as Technician moved and did not leave a forwarding address.
5. On March 26, 2014, MDH sent a letter with questions to the owner of the \_\_\_\_\_ (hereinafter '\_\_\_\_\_'). MDH requested a written response from the Operator no later than April 28, 2014.
6. On April 4, 2014, a written response was hand delivered to MDH. The written response was not from the Operator but instead from \_\_\_\_\_.
7. In the written response, \_\_\_\_\_ states Technician tattooed the minor inside the Establishment sometime in December 2013 during regular business hours. When asked to stop, Technician refused to do so. \_\_\_\_\_ states "Ivory refused to stop the procedure. We had to unplug his station".
8. On June 13, 2014, MDH sent a Notice of Illegal Practice letter to Technician new mailing address. MDH requested a written response from Technician no later than July 14, 2014.
9. A written response by Technician was received in June 2014.
10. In the written response, Technician admitted he tattooed his 17 year old cousin in November or December 2013. Technician stated "During the tattoo it came to light that he was 17."
11. Technician stated he thought his cousin was of legal age and therefore did not ask for proper identification. Technician stated, "I told him to figure out what he wanted and wait till he was 18, at that time he was 17. I assumed he was 18, being that months later, probably 5 months later, he was coming to me for his tattoo."
12. When asked for the informed consent form for his 17 year old cousin, Technician stated "No paperwork or consent forms for either him or his two siblings were filled out by me".

## CONCLUSION

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3 (3), because he practiced body art without establishing proof of client's age, in violation of Minnesota Statutes, section 146B.07, subdivision 1(a).
2. Technician did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3 (3), because he tattooed a minor, in violation of Minnesota Statutes, section 146B.07, subdivision 2 (b).
3. Technician did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3 (3), because he did not have the client sign and date an informed consent form the day of the tattoo service, in violation of Minnesota Statutes, section 146B.07, subdivision 3.

## DETERMINATION

1. Technician will be issued a conditional body art technician license, with the following conditions:
  - Technician will comply with all requirements of Minnesota Statutes, Chapter 146B;
  - The license will be conditional for a period of not less than two years;
  - Technician will not be allowed to supervise temporary body art technicians;
    - A supervisor is expected to be knowledgeable about safe body art procedures and the state statutes that govern the practice of body art. MDH has determined that Technician violated provisions of body art chapter and that Technician demonstrated a careless disregard for the health, welfare, or safety of a client. Therefore, Technician may not supervise temporary technicians and MDH will deny all applicants that list Technician as a supervisor for two years.
  - After a period of not less than two years, Technician may request the conditional status be removed from his license. To do so, Technician must:
    - Submit a written response for removal of the condition to the Director of the Health Occupations Program, Minnesota Department of Health, PO Box 64882, Saint Paul, MN 55164-0882;
2. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$167, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
  - Technician may pay the \$167 civil penalty in monthly installments of up to 2 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, Treasure," 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), 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.