

Effective 3/8/11



Protecting, maintaining and improving the health of all Minnesotans

January 25, 2011

Mr. Michael Richard Kehr

RE: Body Art Technician Licensure Application

Dear Mr. Kehr:

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 false information to the Commissioner, in violation of Minnesota Statutes, section 146B.08, subdivision 3(1); and did not cooperate with an investigation, in violation of Minnesota Statutes, section 146B.08, subdivision 1(7). Therefore, the Department is disciplining your right to practice body art. 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, you will be issued a conditional body art technician license. If you wish to appeal the discipline, you must provide a written statement as to which facts are in error and your grounds for your appeal. Your written statement must be received within 30 days from the date it 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 also be made in writing and include specific grounds for challenging the Department's decision.

You should 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:

Tom Hiendlmayr, 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 Mr. Hiendlmayr at (651)201-3839. If you have any questions about this matter, please contact Kyle Renell at (651)201-3727.

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: Tom Hiendlmayr, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Michael Richard Kehr
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. The types of discipline MDH may impose include refusal to grant licensure or any reasonable lesser action.
2. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(1), a technician must not intentionally submit false or misleading information to the commissioner.
3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(7), a technician must cooperate with the commissioner in an investigation.

FINDINGS OF FACT

1. Michael Richard Kehr (Hereinafter "Technician") submitted an application for licensure as a Body Art Technician. On the application, dated December 5, 2010, and received on December 16, 2010, Technician stated that he had never been "issued a license, certification, or registration as a body art technician issued by a city, county, or other state." Technician also stated that he had worked at Body Accents in the City of Red Wing, MN, from February 4, 2006, to January 10, 2008.
2. On his Body Art Technician application, Technician also stated that, as documentation of his experience, his "previous tattoo licenses 2008-2009 are attached to Persona Studios Establishment License application." Technician's Body Art Establishment application, dated December 5, 2010, included business licenses issued by the City of Cottage Grove, commencing February 1, 2008.
3. By letter dated December 20, 2010, MDH staff requested Technician execute a Verification of Credential form related to his employment in the City of Red Wing, MN. Technician was provided with instructions on how to download and process the form.
4. On January 3, 2011, MDH supervisory staff telephonically instructed Technician to provide his explanation as to why he did not need to execute a Verification of Credential form for the City of Red Wing. In an e-mail to MDH staff dated January 6, 2011, Technician stated "...I did work in Red Wing, MN, however at the time of employment,

there were no licensing requirements for the city or in Dakota County, therefore I didn't require a Verification of credentials for my past employment there." [sic]

5. By e-mail dated January 19, 2011, the City Clerk for the City of Red Wing advised that Technician had been issued a license by the city. Included with the e-mail were the following attachments:
 - A copy of a letter dated June 5, 2007, from the city to Technician by which he was notified of the need to take a tattooing licensing exam and provided with possible exam dates and an exam study guide.
 - A copy of Technician's 2007-2008 City of Red Wing Tattooist/Piercer License, effective from November 26, 2007, to December 31, 2008.

CONCLUSION

1. Technician violated Minnesota Statutes, section 146B.08, subdivision 3(1), because he provided false information to the Commissioner regarding the existence of his City of Red Wing Tattooist license.
2. Technician violated Minnesota Statutes, section 146B.08, subdivision 3(7), because he refused to complete and submit a Verification of Credential form to the City of Red Wing for processing.

DETERMINATION

1. Technician shall be issued a Conditional Body Art Technician license, with the following conditions:
 - The license will be conditional for a period of not less than two years;
 - Technician must provide truthful information and cooperate with any future investigation. A determination that Technician has provided further untruthful information or failed to cooperate may result in the suspension of Technician's right to provide body art services in the State of Minnesota for a period of not less than one year; and
 - 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 request 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; and
 - Include with his written request two affidavits attesting to his truthfulness. Those affidavits must be notarized and authored by individuals in the body art profession who are neither working with nor employed by Technician.