

Effective 05/08/2018



HEALTH OCCUPATIONS PROGRAM
HEALTH REGULATION DIVISION

In the Matter of Katie Marie Kirckof
Lapsed Body Art Technician

Stipulation and Consent Order:

IT IS STIPULATED AND AGREED by Katie Marie Kirckof (hereinafter "Ms. Kirckof") and the Minnesota Department of Health ("Department" or "MDH"), and that without trial or adjudication of any issue of fact or law:

This Stipulation and Consent Order ("Stipulation") and related documents shall constitute the entire record upon which this Stipulation is based. This Stipulation is public data pursuant to Minnesota Statutes, sec. 144.051, subd. 4 and the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

Facts and Law:

1. Minnesota Statute, section 146B authorizes MDH to regulate body art licensing in Minnesota. This authority includes tattoo services and microblading.
2. On January 3, 2017, MDH issued Ms. Kirckof a licensed body art technician temporary license, under Minnesota Statute, section 146B.03, subdivision 7, to provide tattoo services in the State of Minnesota. A temporarily licensed technician must be supervised by a licensed technician.
3. On October 18, 2016, March 27, 2017, and April 12, 2017, MDH received allegations that Ms. Kirckof was performing body art services, specifically microblading eyebrow services, out of her salon, Glam Beauty Lounge, in Rochester, Minnesota, without the required supervision. At the time of the allegations, Ms. Kirckof was not licensed to operate a body art establishment as required by Minnesota Statute, section 146B.02, subdivision 1.
4. On September 13, 2017, MDH notified Ms. Kirckof by mail that an investigation was opened regarding the complaints. A response was requested by mail by October 13, 2017.
5. On September 19, 2017, Ms. Kirckof called MDH about the Notice of Investigation. MDH staff told Ms. Kirckof she needed to respond to the letter in writing. MDH did not receive a response to the letter by the due date.
6. On November 15, 2017, Attorney Christopher D. Nelson of Dunlap & Seeger notified MDH staff that he would be representing Ms. Kirckof in this matter. A Notice of Investigation letter was mailed to Mr. Nelson.
7. On December 15, 2017, MDH received Ms. Kirckof's response.
8. Ms. Kirckof admits to providing body art service to a non-customer, non-paying friend without supervision on one single occasion, prior to being aware that body art services were regulated by the State of Minnesota.
9. Ms. Kirckof admits to advertising for future microblading services on Facebook. Ms. Kirckof admits to doing so on one occasion prior to becoming aware of the statutory requirement for establishment licensure.
10. Ms. Kirckof is unable to provide client records for body art services she provided, including informed consent forms, due to their destruction in a natural disaster.

Order:

1. Ms. Kirckof agrees to abstain from providing any body art services at her Glam Beauty Lounge establishment(s) in Minnesota until she obtains proper licensure for said establishment.
2. Ms. Kirckof's temporary body art license has expired. Ms. Kirckof agrees to refrain from providing any body art services until she renews that license. Ms. Kirckof agrees to not advertise or hold herself out in the State of Minnesota as a body art technician until she renews her license.
3. If her license is renewed, Ms. Kirckof shall follow all statutory requirements set forth in Minnesota Statute, Section 146B.
4. Pursuant to Minnesota Statute, section 146B.08, subdivision 4(5), MDH may also impose, for each violation, 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. Ms. Kirckof is hereby assessed a civil penalty of \$553, which reflects MDH's cost of investigation. Payment in the amount of \$553 must be made payable to "State of Minnesota, Treasurer" and mailed to:

Minnesota Department of Health
Health Occupations Program
PO Box 64882
St. Paul, Minnesota 55164-0882

5. Payment is due within 30 days of the effective date of this stipulation.
6. MDH may refer the penalty to the Minnesota Department of Revenue (MDOR) or any other source for collection, if Ms. Kirckof misses the payment date by 14 calendar days after the established deadline. When this Order for the penalty becomes public and MDH refers the matter to MDOR, MDOR is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Ms. Kirckof without further notice or additional proceedings.

Rights and Waivers:

Ms. Kirckof waives any claim that she may have against the Department, the State of Minnesota, or any employee thereof, under the Equal Access to Justice Law, Minnesota Statutes, sections 15.471 to 15.475.

For purposes of this Stipulation, Ms. Kirckof waives all procedures and proceedings before the Department to which may be entitled under the Minnesota and/or United States Constitutions, statutes, rules. Ms. Kirckof also waives the right to any judicial review or appeal under the Administrative Procedures Act, by writ of certiorari under Minnesota Statutes, section 480A.06, or otherwise from the Order issued by the Assistant Division Director pursuant to this Stipulation.

Binding Effect:

This Agreement is binding upon the Parties, their employees, agents, heirs, administrators, representatives, executors, successors and assigns, and the Parties will assure that their employees, agents, heirs, administrators, representatives, executors, successors and assigns are made aware of this agreement.

Upon consideration of this Stipulation, by the Assistant Division Director, it is ordered that the terms in this Stipulation are adopted on this 30th day of April, 2018.

SUSAN WINKELMANN, ASSISTANT DIVISION DIRECTOR

MINNESOTA DEPARTMENT OF HEALTH
HEALTH REGULATION DIVISION



Susan Winkelmann