

Effective: April 27, 2015



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

March 24, 2015

Jessie Louise McNally  
Steady Tattoo  
2621 East Franklin Avenue  
Minneapolis, MN 55406

RE: MDH File Number: BAC12102

Dear Ms. McNally:

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 Jessie Louise McNally, were in violation of Minnesota Statutes, section 146B.08, subdivision 3(3). Therefore, the Department is issuing you a reprimand and imposing a civil penalty of \$629.84. 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 your 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 also be made in writing and 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 Mr. Acevedo at (651)201-3839. If you have any questions about this matter, please contact Erin Smilanich at (651)201-3770.

Sincerely,

A handwritten signature in cursive script, appearing to read "Darcy Miner", is written over a horizontal line.

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  
Jessie Louise McNally  
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 4. The types of discipline MDH may impose, for each violation, include but are not limited to one or more of the following: impose, for each violation, a civil penalty not exceeding \$10,000 that deprives the licensee of any economic advantage gained by the violation and that reimburses MDH for the costs of the investigation and proceedings, and any reasonable lesser action. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.
2. Pursuant to Minnesota Statutes, section 146B.03, subdivision 7, a body art technician operating under a temporary license must submit a letter from a licensed technician who has agreed to provide the supervision needed to verify the 200 hours of supervised practice required by section 146B.03, subdivision 4, clause (4).
3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3, clause 3, MDH may take disciplinary action against a technician for violating any provision of Chapter 146B.
4. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.

**FINDINGS OF FACT**

1. MDH issued Jessie Louise McNally (hereinafter "Technician") a temporary body art technician-tattoo license effective January 5, 2011, under license number T310240. Technician was approved to work under the supervision of Heath Rave, body art technician-tattooist license number 310181 and located at the body art establishment Captive Elements, 10557 University Avenue, Blaine, MN 55434. Captive Elements is licensed by Anoka County under license number 7934. In its issuance letter, MDH notified Technician her supervised experience must be completed under the licensed technical who signed her application and that she was required to notify MDH before making a change in supervision. McNally's temporary license expired January 5, 2012.

2. On December 20, 2011, MDH received Technician's application for a full body art technician-tattooist license. According to her application, Technician was employed under the supervision of Mr. Rave until August 2011. In August 2011, Technician began working for Steady Tattoo, 714 Washington Avenue, Minneapolis, MN. Steady Tattoo is licensed by the City of Minneapolis under license number L30050059.
3. On January 9, 2012, MDH sent Technician an email and asked Technician to provide a log of the 200 hours of supervised practice. In its communication, MDH notified Technician she was not authorized to perform body art services at Steady Tattoo.
4. On January 10, 2012, Technician provided a log of her supervised body art services. In addition, Technician provided a copy of a statement, signed on June 12, 2011 by her MDH approved supervisor, attesting she met the 200 hours of supervised practice.
5. On January 13, 2012, MDH issued Technician a full body art technician-tattooist license, under license number 310240. In its issuance letter, MDH notified Technician her application was routed to investigation and enforcement.
6. On January 25, 2012, MDH Investigation and Enforcement sent Technician a letter and asked that she explain why she practiced as a body art technician, at Steady Tattoo, without being approved by MDH and without supervision.
7. On February 24, 2014, Technician responded to MDH's request for information and stated she worked at Captive Elements, under the supervision of Mr. Rave, until August 31, 2011. Technician stated she met the 200 hours of supervised practice and was not aware her temporary license was valid only under the supervision of Captive Elements. Technician provided body art at Steady Tattoo, from August 24, 2011 to December 20, 2012, and was not supervised. Technician stated she did not submit an application for a full body art technician—tattooist license until January 2012 because her temporary license expired January 5, 2012.
8. Technician provided a spreadsheet of earnings minus rent to establishment from August 2011 through January 2012.

## CONCLUSION

1. Technician did not comply with the requirements of Minnesota Statutes, section 146B.03, subdivision 7 and 146B.08, subdivision 3, clause 3 because she provided body art under her temporary license from August 24, 2011 through December 30, 2012 without supervision.

## DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$629.84, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
2. Within 30 days of the effective date of this Determination, Technician shall pay a civil penalty of \$629.84 to reimburse the Department for the costs of the investigation and proceedings to date. Technician must make the payment by check made payable to "Treasurer, State of Minnesota" and mail the check to the attention of HOP Investigations and Enforcement, PO Box 64882, Saint Paul, MN 55164-0882.
3. Technician may pay the \$629.84 civil penalty in monthly installments of up to twelve months after the effective date of this action. If Technician chooses to make installments, she must notify the Department in writing about her intentions, including how many installments she intends to make, in what amount, and over which time period. Technician must send this information to: HOP Investigations and Enforcement, PO Box 64882, Saint Paul, MN 55164-0882, within 30 days of receipt of this document.
4. Each payment will be made by check payable to "Treasurer, State of Minnesota", and mailed to HOP Investigations and Enforcement, 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.
5. The penalty may be referred to the Minnesota Department of Revenue (MDOR), 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 MDOR, MDOR is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Technician without further notice or proceedings.