



HEALTH OCCUPATIONS PROGRAM
HEALTH REGULATION DIVISION

**A Determination in the Matter of
Robert Benjamin Mills
Licensed Temporary Body Art Technician 313041**

Authority:

1. The Minnesota Department of Health (MDH) has authority to discipline body art technicians for violations of law under Minnesota Statute, section 146B.08, subdivision 3.
1. Pursuant to Minnesota Statute, section 146B.08, subdivision 4, the types of discipline MDH may impose include refusal to grant a license, suspension of a license, or any reasonable lesser action.
2. 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.
3. Pursuant to Minnesota Statute, section 146B.08, subdivision 3(2), a technician may be disciplined on proof that he or she failed, within 30 days, to provide information in response to a written request by the commissioner.
4. Pursuant to Minnesota Statute, section 146B.08, subdivision 3(7), a technician may be disciplined for not cooperating with the commissioner in an investigation conducted according to subdivision 1.
5. Pursuant to Minnesota Statute, section 146B.07, subdivision 3, a technician shall obtain from the client a signed and dated informed consent form.
6. Pursuant to Minnesota Statute, section 13.41, disciplinary actions are public data.

Findings of Fact:

1. Robert Benjamin Mills (hereinafter "Technician") was issued Minnesota Body Art Technician-Tattoo temporary license 313041 on February 7, 2020. Technician was supervised by Jami Baker (hereinafter "Supervisor"). Technician currently works as a body art technician at Inkwell Tattoo Parlor in Hibbing, Minnesota.
2. On August 11, 2020, MDH received a complaint regarding Technician. The complaint alleges Technician did the following:
 - a. Technician provided body art services at licensed Minnesota Body Art establishment, The Holy Mackerel, in St. Paul, Minnesota.

- b. While there, technician provided body art as a temporary technician without supervision at an establishment.
 - c. Technician did not follow the current Executive Order which requires body art technicians to wear face masks while providing body art services.
 - d. Technician aided and abetted violations by another person of Minnesota statute 146B.08 subdivision 3(10).
 - e. Technician engaged in conduct likely to deceive, defraud, or harm the public.
 - f. Technician demonstrated a willful or careless disregard for the health, welfare, or safety of a client.
 - g. Technician failed to refer a client to a health care professional for medical evaluation or care when appropriate.
3. *Notice of Investigations* were sent to Technician, Supervisor, and the establishment owner where the complaint originates on September 1, 2020. Technician did not respond. Supervisor and the establishment owner both responded to MDH's request for information.
 - a. Establishment owner provided documentation for the day in which the allegations occurred. The statutorily required informed consent document, which requires a signature from a body art client who obtains services, is not complete. This form must be complete prior to the start of any body art procedure. The complainant's Minnesota driver's license is copied at the bottom of the form.
4. On October 19, 2020, MDH sent a second *Notice of Investigation* to Technician. As of this date, he still has not provided response to the allegations.

Conclusion:

Technician violated Minnesota Statute, section 146B.08, subdivisions 3(2) and 3(7) when he did not respond to a written request for information regarding an investigation being conducted by MDH. Further, he violated section 146B.07, subdivision 3 when he provided a tattoo to a client without obtaining their informed consent.

Determination:

1. Technician's Minnesota body art technician temporary license is hereby suspended. The suspension of Technician's license will be lifted upon MDH's receipt of Technician's response regarding the August 11, 2020 complaint. The suspension will commence at the effective date of this determination. After Technician has responded to MDH's request for information, Technician may request to have license reinstated. To do so, Technician must submit a written response for the suspension to be lifted to:

Manager, Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

Technician is assessed a civil penalty in the amount of \$300, which reimburses MDH for costs of the investigation and proceedings resulted in disciplinary action.

- a. Technician may pay the \$300 civil penalty in monthly installments of up to two (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 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.

- b. Each payment will be made by check to "State of Minnesota" 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.
- c. The penalty may be referred to the Minnesota Department of Revenue, or any other source for collection, if Practitioner misses a monthly payment by 14 calendar days after the established deadline.