



Effective 2-12-17

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

January 3, 2017

Nicole Tijan

RE: MDH File Number: BAC17014

Dear Ms. Tijan:

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 failed, within 30 days, to provide information in response to a written request, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (2). Therefore, MDH is issuing you a reprimand and imposing a civil penalty in the amount of \$500. This 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 "State of Minnesota, Treasurer." 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.

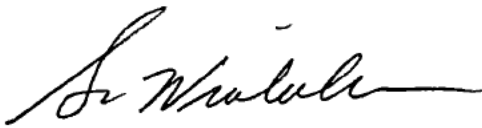
You must provide a written statement of your decision to either accept or appeal the discipline outlined in the enclosed Determination, within 30 days of your receipt of this letter, to:

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

Nicole Tijan  
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You may also fax it to Anne Kukowski at (651) 201-3839. If you have any questions about this matter, please contact Chee Lee at (651) 201-3728.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Winkelmann".

Susan Winkelmann, Assistant Director  
Health Regulation Division

Enclosure

cc: Anne Kukowski, Manager of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Nicole Tijan  
Body Art Technician**

**AUTHORITY**

1. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3 (2), the Minnesota Department of Health (MDH) may discipline a technician if they fail, within 30 days, to provide information in response to a written request by the commissioner.
2. Pursuant to Minnesota Statutes, 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.
3. Pursuant to Minnesota Statutes, 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.
4. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.

**FINDINGS OF FACT**

1. On, September 22, 2014, Nicole Tijan's (hereinafter "Technician") body art technician license, #330235, was renewed. The license expired on March 31, 2016.
2. On January 15, 2016, MDH sent Technician a license renewal letter. The letter reminded Technician her body art technician license was set to expire and to renew by a certain date to avoid late fee penalties. Enclosed with the letter was a body art technician renewal application.
3. MDH did not receive a body art technician license renewal application from Technician.
4. On April 1, 2016, MDH sent Technician a letter advising her not to provide any further body art procedures as her body art license had expired.
5. On September 6, 2016, MDH received a temporary body art technician license renewal application from an applicant whose temporary body art license was set to expire. In

the renewal application, the Technician signed an affirmation agreeing to supervise the applicant.

6. The affirmation states, "I certify that I am a licensed body art technician and that I will supervise this applicant in a licensed establishment. I have read Minnesota Statutes, Chapter 146B. I understand that a temporary technician license expires one (1) year from issuance. I understand that I am responsible for the above applicant until MDH receives my written and signed statement that I wish to cease supervision or until the expiration of the temporary technician license." Technician signed and dated the affirmation on September 4, 2016.
7. On September 9, 2016, MDH sent Technician a letter of inquiry. The letter asked Technician if she provided any tattoo services while her license had expired. A stamped self-address envelope was included with the letter. MDH requested a response from Technician no later than October 9, 2016. MDH did not receive a response from Technician.
8. On October 12, 2016, MDH sent Technician a Notice of Investigation letter for failure, within 30 days, to provide information in response to a written request. MDH requested a response by November 13, 2016. MDH did not receive a response from Technician.

#### **CONCLUSION**

1. Technician failed to comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3(2) as she failed, within 30 days, to provide information in response to a written request by the commissioner.

#### **DETERMINATION**

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$500, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation. MDH will not renew any body art licenses Technician submits until the civil penalty is paid off and Technician cooperates in the investigation. If Technician continues to violate body art statutes 146B, MDH may initiate new investigations which may lead to more penalties.
  - Technician may pay the \$500 civil penalty in monthly installments of up to 5 months after the effective date of this action. If Technician chooses to make installments, she must notify MDH 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: 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 Department of Revenue, or any other source for collection, if Practitioner misses a monthly payment by 14 calendar days after the established deadline.