



Effective 6-11-17

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

May 12, 2017

Derrick Wetenkamp

RE: MDH File Number: BAC17024

Dear Mr. Wetenkamp:

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 body art without a valid body art technician license, in violation of Minnesota Statutes, section 146B.03, subdivision 1 (a) and Minnesota Statutes, section 146B.08, subdivision 3 (3). Therefore, MDH is issuing you a reprimand and imposing a civil penalty in the amount of \$506. 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.

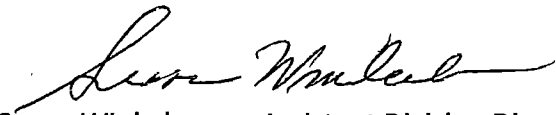
You must provide a written statement of your decision to either accept or appeal the discipline outlined in the enclosed Determination, within 30 days of your receipt of this letter, to:

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

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You may also fax your request to Catherine Lloyd 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 black ink, appearing to read "Susan Winkelmann". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Susan Winkelmann, Assistant Division Director
Health Regulation Division

Enclosure

cc: Catherine Lloyd, Assistant Manager of Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Derrick Wetenkamp
Body Art Technician**

AUTHORITY

1. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1 (a), effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid tattoo technician license issued by the commissioner.
2. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3 (3), a violation of any provision in the body art statute is a ground for disciplinary action.
3. The Minnesota Department of Health (MDH) has authority to discipline body art technicians for violations of law under Minnesota Statutes, section 146B.08, subdivision 3. 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.
4. 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.
5. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.

FINDINGS OF FACT

1. On April 7, 2014, Derrick Wetenkamp (hereinafter "Technician") was issued a full body art technician license. The body art technician license, #310979, expired on March 31, 2016.
2. In the body art technician license application, specifically question #6, it asked Technician which address would he like to receive correspondence from MDH. Technician circled "Employer."
3. On January 15, 2016, MDH sent Technician a license renewal letter. Attached to the letter was a renewal application. On January 27, 2016, the letter was returned from the

postmaster as "Return to sender," "Not deliverable as addressed," and "Unable to forward."

4. On March 31, 2016, Technician's body art license expired.
5. On April 1, 2016, MDH sent Technician a failure to renew body art license letter. The letter reminded Technician not to provide body art services until his license was renewed. The letter came back from the post office as "Return to Sender," "Not deliverable as addressed," and "Unable to Forward."
6. On April 28, 2016, Technician emailed MDH regarding his expired body art license. MDH replied back by advising Technician what he needed to do to renew his body art license.
7. On June 14, 2016, MDH received a body art technician license renewal application from Technician.
8. The application was deemed incomplete as Technician did not include the full amount for the application fee and a copy of his blood borne pathogen training certificate.
9. On July 20, 2016, MDH received the remaining application fee from Technician. However, Technician did not include a copy of his blood borne pathogen training certificate. Technician was advised, by email, that his application would not be processed until MDH has a copy of his certificate of completion for blood borne pathogens.
10. On December 2, 2016, credential staff sent a letter to Technician requesting the status of his blood borne pathogen training. The letter reminded Technician the license renewal process would not go forward until a copy of his blood borne pathogen certificate was received.
11. On January 25, 2017, Technician's body art license was renewed.
12. On January 26, 2017, MDH sent Technician a Notice of Investigation letter. MDH requested a written response from Technician no later than February 27, 2017.
13. On February 21, 2017, MDH received a response from Technician.
14. The response from Technician was not clear.
15. On March 6, 2017, MDH sent another letter to Technician. In the letter, MDH asked Technician if he provided unlicensed body art services from April 1, 2016 to August 5, 2016. MDH requested a response from Technician no later than April 7, 2017.
16. On April 4, 2017, MDH received a response from Technician.

17. In the response, Technician stated, "In closing I worked at _____ during the times and dates you questioned."

CONCLUSION

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.03, subdivision 1 (a), and section 146B.08, subdivision 3 (3), as he continued to practice body art after the expiration of his body art technician license on April 1, 2016 and before the renewal of his license.

DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$506, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Technician may pay the \$506 civil penalty in monthly installments of up to 5 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 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.