



Minnesota
Department
of Health

Effective September 1, 2016

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

July 27, 2016

Matthew Sevig
Permanent Addiction Ink
311 Central Avenue Suite A
Osseo, MN 55369

RE: MDH File Number: BAC16046

Dear Mr. Sevig:

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: [1] failed, within 30 days, to provide information in response to a written request by the commissioner, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (2); [2] provided body art without a valid body art technician license, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (3) and section 146B.03, subdivision 1 (a); [3] aided and abetted a technician in providing body art services, while under a temporary license, without proper supervision, in violation of Minnesota Statutes, section 146B.08 subdivision 3 (5), section 146B.01 subdivision 28, section 146B.03, subdivision 1 (a), and section 146B.03, subdivision 7. Therefore, MDH is issuing you a reprimand and imposing a civil penalty in the amount of \$1,211. 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

Matthew Sevig
July 27, 2016
Page 2

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or 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 'S Winkelmann', written in black ink.

Susan Winkelmann, Assistant Director
Division of Health Regulation

Enclosure

cc: Anne Kukowski, Manager of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Matthew Sevig
Body Art Technician**

AUTHORITY

1. Pursuant to Minnesota Statutes, section 146B.01, subdivision 28, "supervision" means the physical presence of a technician licensed under this chapter while a body art is being performed.
2. 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 technician license issued by MDH.
3. Pursuant to Minnesota Statutes, section 146B.03, subdivision 7, a temporary license may be issued if a licensed technician agrees to supervise the applicant.
4. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3 (2), MDH may discipline an operator of an establishment if they fail, within 30 days, to provide information in response to a written request by the commissioner.
5. Pursuant to Minnesota Statutes, section 146B.08 subdivision 3 (3), MDH may take any of the disciplinary actions against an operator of an establishment who has violated any provision of this chapter.
6. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3 (5), MDH may take disciplinary actions against an operator of an establishment who has aided or abetted another person in violating any provision of this chapter.
7. 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.
8. 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.

9. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.

FINDINGS OF FACT

1. On August 6, 2014, Matthew Sevig (hereinafter "Operator") was issued a full body art technician license. Operator's body art technician license expired on March 31, 2016.
2. Operator owns and operates Permanent Addiction Ink (hereinafter "Establishment") in Osseo.
3. On January 27, 2016, Operator signed an application for a temporary license, in which he agreed to supervise a temporary technician.
4. On April 11, 2016, MDH received a complaint. The complaint stated Operator would frequently leave the Establishment while a technician with a temporary body art license was tattooing; leaving technician without proper supervision.
5. On April 21, 2016, MDH staff visited the Establishment and made contact with Operator. During on-site visit:
 - a. Operator admitted to leaving the Establishment while technician, mentioned in Findings of Fact #3, with temporary body art license tattooed clients.
 - b. MDH staff asked for copies of informed consent forms. Operator stated he would have his wife email the informed consent forms to the MDH staff.
 - c. MDH staff gave Operator a business card with an email address to send the informed consent forms.
6. MDH staff never received an email from Operator or Operator's wife.
7. On May 18, 2016, a Notice of Illegal Practice letter was sent to Operator. MDH requested a written response, as well as copies of the requested informed consent forms, from the Operator no later than June 18, 2016. MDH did not receive a written response nor copies of the requested informed consent forms from Operator.
8. On June 20, 2016, MDH received a renewal application, along with the renewal fee, for Operator's body art technician license.
9. On July 8, 2016, MDH staff visited the Establishment and made contact with Operator. MDH staff hand delivered a letter of investigation to Operator and requested a written response no later than August 8, 2016.

10. During the on-site visit of the Establishment:

- a. Operator apologized to Department staff for not responding in a timely manner. Operator assumed MDH was going to give him another notice with an extension to respond back.
- b. Operator admitted to tattooing clients at his Establishment after his body art technician license had expired on March 31, 2016. Operator thought once he sent in a renewal application, along with the renewal fee, his license was automatically renewed.
- c. Operator stated he will email his response to the request for information as quickly as possible.

11. On July, 13, 2016, MDH received an email with Operator's response. In the email, Operator stated:

- a. There were five clients for which he left the establishment before the tattoo procedures were finish and therefore left a technician with a temporary body art license unsupervised.
- b. "I sincerely apologize for the late response towards the investigation. We had all informed consent forms pulled out and ready to be mailed with the above response, but due to the overwhelming amount of invalid complaints and harassment...we simply overlooked mailing out our reply towards this investigation."
- c. "I simply had not realized my license had expired until a client pointed it out to me in June. I contacted the MDH straight away to email me a form to renew the application since it was not found inline. I never received a renewal application in the mail, and when I asked the MDH I realized it was mailed to my old address that I no longer reside at. I did not think of informing the MDH of an address change since most of the paperwork/licenses have been mailed directly to the shop."

12. Along with the email response, Operator also attached ten informed consent forms showing that he provided tattoo procedures after his license had expired.

13. On July 13, 2016, Operator's body art technician license was renewed.

CONCLUSION

1. Operator failed to comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3 (2), when he failed, within 30 days, to provide information in response to a written request by the commissioner.
2. Operator failed to comply with the requirements under Minnesota Statutes, section 146B.08 subdivision 3 (5), as he allowed technician, while under a temporary license, to provide body art without proper supervision, in violation of Minnesota Statutes, section 146B.01, subdivision 28, section 146B.03, subdivisions 1 (a), and section 146B.03, subdivision 7. Temporary licenses are deemed valid only if the tattoo procedure is performed in the presence of and under the supervision of a licensed technician.
3. Operator failed to comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3 (3), when he practiced body art after his body art technician license expired on March 31, 2016, and before it was renewed on July 13, 2016, in violation of Minnesota Statutes, section 146B.03, subdivision 1 (a).

DETERMINATION

1. Operator is hereby reprimanded and assessed a civil penalty in the amount of \$1,211, which deprives Operator of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Operator may pay the \$1,211 civil penalty in monthly installments for up to 12 months after the effective date of this action. If Operator 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. Operator 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, Treasurer," 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 Collection Enterprise (MCE), part of 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. When this Order for a penalty becomes public and MDH refers the matter to MCE, MCE is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Practitioner without further notice or proceeding.