



Effective 4-4-17

Protecting, maintaining and improving the health of all Minnesotans

March 3, 2017

Nikola Abbott

RE: MDH File Number: BAC17021

Dear Mr. Abbott:

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 \$2,108. 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.

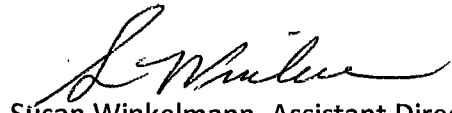
You must provide a written statement of your decision to either accept or appeal the discipline outlined in the enclosed Determination, within 30 days of your receipt of this letter, to:

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

Nikola Abbott
March 3, 2017
Page 2

You may also fax your request to Catherine Lloyd-Dittberner 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 "S. Winkelmann", written in a cursive style.

Susan Winkelmann, Assistant Director
Division of Health Regulation

Enclosure

cc: Catherine Lloyd-Dittberner, Assistant Manager of Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Nikola Jajic Abbott
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 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.
2. 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.
3. 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.
4. 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.
5. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.

FINDINGS OF FACT

1. On May 6, 2012, Nikola Jajic Abbott (hereinafter "Technician") was issued a full body art technician license. The license, No. 310244, expired on March 31, 2014.
2. On April 14, 2014, Technician renewed his full body art technician license. The license expired on March 31, 2016.
3. On January 15, 2016, MDH sent Technician a license renewal letter. Attached to the letter was a body art technician license renewal application.
4. On March 31, 2016, Technician's body art license expired.

5. On December 12, 2016, MDH received a body art technician license renewal application from Technician.
6. On December 22, 2016, Technician's body art license was renewed.
7. On December 22 2016, MDH sent a Notice of Investigation letter to Technician. The letter requested copies of Technician's informed consent forms and an explanation as to why he provided body art without a license.
8. On January 23, 2017, MDH received a response from Technician. In the response, Technician admitted he tattooed with an expired license "because I was under the impression that my license was active, to the best of my memory I sent my renewal form before April 1, 2016, my name and license number was up on the MDH website, in fact, both the shop owner (name omitted) and the shop manager (name omitted) looked up my name and found it as active license between the specified dates."
9. MDH confirms that Technician's name, license number, the type of license was posted on its website, along with March 31, 2016 expiration date.
10. Technician also provided three discs. Each disc's contained copies of informed consent forms in which Technician provided unlicensed tattoos.
11. Tallying all the informed consent forms, Technician performed over 500 unlicensed body art procedures from April 1, 2016 through December 22, 2016. In all, Technician charged over \$35,000 while providing unlicensed body art services to his clients.
12. Technician was aware his license expired and therefore sent his body art technician license renewal application in early December 2016. MDH received the renewal application on December 12, 2016. Technician's license was not renewed until December 22, 2016. However, informed consent forms Technician provided showed he continued to disregard the fact that his license expired as he provided 16 tattoos from December 10, 2016 through December 21, 2016.

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), because he continued to practice body art after the expiration of his body art technician license on March 31, 2015 and before the renewal of his license on December 22, 2016.

DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$2,108, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Technician may pay the \$2,108 civil penalty in monthly installments of up to 21 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.